United Nations S/2009/213

Security Council

Distr.: General
17 April 2009

Original: English

Letter dated 17 April 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to transmit a press statement on Somalia issued by the Ministry of Foreign Affairs of the State of Eritrea on 10 April 2009 (see annex). This comprehensive statement articulates, in no uncertain terms, Eritrea's position on the disturbing situation in the sisterly country of Somalia.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

09-30679 (E) 210409

Please recycle

Annex to the letter dated 17 April 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press statement

After 18 years of chaos and deception, the trajectory of Somalia's journey appears to be clearer than ever before. Yet, seemingly benign efforts aimed at disrupting the journey continue without let-up. It is therefore vital and timely to recoup and highlight the critical issues and dimensions of the problem.

For the last 18 years, external interferences and invasion on the one hand, and acts of warlords with narrow interests on the other, have rendered meaningless the de facto existence of a Somali State.

Eighteen years of vacuum has wreaked immeasurable devastation and suffering on the people of Somalia. Furthermore, this has been, and continues to constitute, one of the principal causes of instability in the Horn of Africa. It has not abated but rather seems to be aggravated with time.

The vacuum that has prevailed in Somalia for the last 18 years has created conducive grounds for the perpetration of piracy and banditry, and these phenomena are being misconstrued to provide suitable pretexts for external interference and to impede a genuine resolution.

In the event, the only viable solution is the reconstitution of Somalia by the Somalis themselves and the facilitation of an enabling environment for launching the process in earnest. All other alternatives, packaged under any mantle, will only corrode the potential opportunities and aggravate the complexity of the situation. And above all, they will not have any legitimacy for the following simple and clear reasons:

1. In accordance with the Charter of the United Nations and international law, there exists only one, unitary, sovereign Somalia that has hoisted its flag. There is no other Somali entity. In the event, the United Nations and its Security Council have no moral or legal authority to recognize any other reality. The same applies to other international and regional organizations.

2. "Somaliland", "Puntland" and other "lands" may have emerged on the political landscape as a result of well-known causes and their obvious ramifications. Nonetheless, endorsement of the phenomena under the guise of stable "havens" and keeping the matter in limbo while preventing the Somali people from resolving it in a manner of their choosing will only perpetuate their suffering and exacerbate the chaos. The United Nations and the Security Council do not have the authority or responsibility to recognize and accept these dispersed "lands" outside, or against the will of, the Somali people.

3. It is the right of, and incumbent upon, the whole Somali people, to determine the issues of "Somaliland", "Puntland" or other lands by exercising their free will during the process of reconstitution or in its aftermath. This cannot be usurped by any other party.

4. Governments fabricated or installed externally under various labels of "transition" outside the due process of law and contrary to the wishes of the Somali people cannot be imbued with legitimacy and recognition as the duly constituted Government of a sovereign Somalia. Furthermore, it must be acknowledged that these schemes only hamper the opportunity for the people of Somalia to find early solutions besides aggravating the turmoil in the Horn of Africa region.

5. External interventions carried out under any name or pretext on behalf of illegitimate governments cannot have any legal foundation. Their primary objective is in fact to precipitate the fragmentation of Somalia and to forestall genuine efforts at finding a lasting solution. As such, they must be thwarted and deplored.

6. All schemes set in motion and/or conferences convened in the name of these illegal governments with the aim of legitimizing these illicit processes as "fait accompli" cannot be acceptable as they are devoid of any legality.

The people and Government of Eritrea do not have any other stance or policy that deviates from these basic legal considerations and concerns of regional security. Unless they harbour other ulterior motives, any other people or Government would not, for that matter, have a differing stance on this matter.

Attempts at portraying the position and policies of the people and Government of Eritrea as prompted by allegiance to certain individuals are deliberate acts of disinformation that do not merit serious rebuttal.

Moreover, groundless accusations of associating Eritrea with "terrorism" or as pursuing a "proxy war" emanate from the same base motives of stifling the voice and true stance of the people and Government of Eritrea.

Under the circumstances and especially at this crucial time, the Government of Eritrea urges the United Nations and its organs to desist from taking unwarranted measures that exacerbate and prolong the suffering of the Somali people, which maintain the existing vacuum and limbo, and which deepen the crisis in the Horn of Africa.

Ministry of Foreign Affairs
Asmara
10 April 2009

United Nations S/2009/214

Security Council

Distr.: General
23 April 2009

Original: English

Letter dated 21 April 2009 from the Secretary-General addressed to the President of the Security Council

With reference to Security Council resolution 1778 (2007), I have the honour to convey the attached letters which I received from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union, Javier Solana, transmitting the two reports on the activities of the European Union military operation in Chad and the Central African Republic covering the period from 15 March to 15 September 2008 and from 15 September 2008 to March 2009, respectively (see annexes).

I should be grateful if you would bring these letters and attachments to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

09-31217 (E) 300409

Please recycle

Annex I

Letter dated 22 September 2009 from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union addressed to the Secretary-General

In accordance with the provisions of Security Council resolution 1778 (2007), I attach the first six-monthly report on the activities of the European Union military operation in Chad and the Central African Republic (see enclosure). The report covers the period from 15 March to 15 September 2008. I should be grateful if you would transmit this report to the President of the Security Council.

(*Signed*) Javier **Solana**

Enclosure

Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union military operation in Chad and the Central African Republic

I. Introduction

1. This report covers the period from 15 March to 15 September 2008.

2. In its resolution 1778 (2007) the Security Council requested the European Union to report to it on how its operation will fulfil its mandate.

II. Political background

3. In Chad, the period under review has been characterized by attacks by rebel movements, launched from Sudanese territory at the beginning of April and in mid-June 2008. The unresolved Darfur crisis has produced a refugee influx, and contributed to increased levels of banditry in eastern Chad.

4. The internal political situation in Chad has been dominated by the consequences of the rebel attack of February 2008 on N'Djamena. In April 2008, a new Government was put in place with four opposition politicians as members, contributing to the resumption of the political dialogue in the framework of the agreement of 13 August 2007, notably with a first meeting of the Comité de suivi in July 2008, encouraged by the international community.

5. Important political developments in the Central African Republic during the period under review include the signing of comprehensive peace agreements in May and June 2008. However, some rebel movements have since withdrawn and indicated a return to armed rebellion. The Government has expressed its desire to combine political progress with increased resources for security and development.

6. The European force (EUFOR) and the United Nations Mission in the Central African Republic and Chad (MINURCAT) have, during the period, established good working relations with the Chadian authorities through the Chad coordinating body CONAFIT, and directly with the authorities of the Central African Republic.

7. Maintaining humanitarian space in the area continues to be a challenge, as does the militarization of refugee and internally displaced person camps. In addition, the international humanitarian community is facing security threats hampering its efforts.

8. The regional political situation during the period has been dominated by the tense relations between Chad and the Sudan, which escalated further after the attacks on N'Djamena and Omdurman in February and May 2008, respectively. Diplomatic efforts to reconcile Chad and the Sudan followed those events, including regional and African Union initiatives. The Dakar Agreement of 13 March 2008 between Chad and the Sudan contains provisions relating to normalizing relations between the two countries. Regular meetings at the level of Ministers for Foreign Affairs allow the parties to exchange views within a structured format in the presence of regional and other countries. Diplomatic relations, broken after the

Omdurman attack in May 2008, were re-established between Chad and the Sudan in August 2008.

III. Security situation and EUFOR activities

9. The rebel offensive in June 2008 sparked fear and caused disruption to humanitarian activity. In addition, following most of the rebel attacks, the uncontrolled withdrawal of defeated rebels back to the Sudan produces a significant increase in criminality. The onset of the rainy season has reduced the rebels' mobility, consequently their focus has switched to consolidation and political activity.

10. Criminality is endemic and widespread, and non-governmental and humanitarian organizations are targeted for vehicles and cash. The head of Save the Children UK was murdered in such an incident on 1 May 2008. Such acts of violence have led some non-governmental organizations to either withdraw, suspend, relocate or downsize their activities. The presence of large numbers of refugees and internally displaced persons results in a degree of resentment among the local population.

11. Despite sporadic rebel activity, the overall security situation during the period has remained relatively calm, with no major incidents involving EUFOR. The principal threats to a safe and secure environment are rebel activity, criminality and banditry that primarily affect the civilian population and humanitarian efforts.

12. During the period the main effort of EUFOR has been the deployment of the force, developing situational awareness and providing a comprehensive footprint across the area of operations. Since the declaration of its initial operational capability on 15 March 2008 the force strength has increased to more than 3,300 personnel.

13. The logistic challenges have been considerable and focused on the establishment of operational bases, improvements to existing enabling infrastructure, the provision of water and stockpiling resources prior to the onset of the rainy season. Cooperation between EUFOR, the Chadian authorities and contractors has been effective. A reliable infrastructure network is now established, including six permanent operations bases in N'Djamena, Abeche, Forchana, Goz Beida, Iriba and Birao; and enhancements to the airport infrastructure in N'Djamena and Abeche.

14. Building on the efforts of the initial entry forces, EUFOR has continued to develop its situational awareness. The key to its success has been the development of an effective liaison and coordination network with the numerous other actors in theatre. In Chad the early creation of CONAFIT as a venue for de-conflicting issues has been an essential instrument in improving information sharing.

15. The presence of EUFOR has had a tangible effect on improving the overall security and perceptions of security in the region. EUFOR has been generally welcome and is seen as credible, professional, impartial and dedicated to the preservation of a safe and secure environment. A major surge operation in May following the murder of the head of Save the Children UK and the evacuation of humanitarian aid workers during a rebel offensive in the vicinity of Goz Beida and

Abeche in mid-June served to highlight EUFOR capabilities and effectiveness. However, the situation remains fragile and could change rapidly.

16. While MINURCAT is deploying and working towards a full operating capability, EUFOR has had to broaden its operating and security concept. Initially postured to face a military-style threat, EUFOR has had to expand its security remit to the contribution to the protection of the local population and humanitarian community against criminality.

17. MINURCAT is now establishing its footprint and will be in a position to take over the above-mentioned tasks related to the rule of law. The Détachement intégré de sécurité training process has begun, and the first recruits will graduate early in August. EUFOR and the United Nations have signed a technical arrangement for the provision of logistics support to MINURCAT. Over the coming months, MINURCAT will develop its own vertical infrastructure in EUFOR camps through independent contracts.

18. Improvements in security have contributed to a limited return of internally displaced persons in some locations. However, it is clear that this aspect will be achieved in a consistent way only through a comprehensive approach that provides good governance and effective social structures in addition to security. The European Commission is in the process of establishing programmes to encourage the voluntary return of internally displaced persons and EUFOR is supporting such initiatives through its civil-military operations.

19. The onset of the rainy season has affected the mobility of EUFOR and its military effectiveness, particularly in southern Chad and the Central African Republic. However, the rainy season also has an impact on "spoilers" in the region and, owing to their limited mobility and seasonal farming commitments, there has not been an increase in violence or rebel activity. This enforced "operational pause" has provided an opportunity for reassessment, planning and coordination with other stakeholders.

20. EUFOR has successfully overcome many challenges and achieved considerable success in the first six months of the operation. EUFOR is currently a guarantor of security for the local population, including refugees and internally displaced persons, and the humanitarian community, against rebel activity, criminality and banditry.

IV. Outlook

21. While the security situation is expected to remain stable but fragile, the underlying causes are not expected to change significantly during the life of the current EUFOR mandate.

22. The EUFOR deployment is scheduled to be complete by September, and the force will be well poised to exploit its considerable achievements to date. Maintaining a positive perception of the force and continuing to ensure a safe and secure environment in which humanitarian actors can operate effectively and which provides the conditions for MINURCAT to fully deploy will be critical to success.

23. The focus for planning has turned to the recovery phase of the current EUFOR mandate. The decision of the Security Council scheduled for the end of September will clarify the focus and thrust of this planning effort. In the interim, the operation is on track to set the conditions for a successful transition to any possible follow-on arrangement.

Annex II

Letter dated 2 April 2009 from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union addressed to the Secretary-General

In accordance with the provisions of Security Council resolution 1778 (2007), I attach the final six-monthly report on the activities of the European Union military operation in Chad and the Central African Republic (see enclosure). The report covers the period from 15 September 2008 to 15 March 2009. I should be grateful if you would transmit this report to the President of the Security Council.

(*Signed*) Javier **Solana**

Enclosure

Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union military operation in Chad and the Central African Republic

I. Introduction

1. This report covers the period from 15 September 2008 to 15 March 2009.

2. In its resolution 1778 (2007) the Security Council requested the European Union to report to it on how its operation fulfils its mandate.

II. Political background

3. The recurrent tensions in the region (Darfur and the EUFOR area of operations in eastern Chad and north-eastern Central African Republic continued to be driven by a multitude of different but inter-linked factors. The spillover of the Darfur crisis with the protracted humanitarian emergency in the refugee camps and sites for internally displaced persons continued. It has been aggravated by local criminality and banditry, as well as by tensions between ethnic groups living on both sides of the border. Though there were no major attacks during the period under review, ongoing cross-border activities of rebel groups (including reorganization and rearming) have continued to contribute to uncertainty and insecurity on the ground.

4. The challenges posed by the continued volatile security situation made tangible progress in the political domain relatively difficult. Owing to the threat by rebel groups, the Government of Chad has been compelled to focus on military and security measures, whereas improvements in the area of governance and the rule of law have experienced additional delays. The fragile situation has also contributed to slow down progress in the overall political agenda. Therefore, international support for the implementation of the agreement of 13 August 2007 between the Government and the political opposition remained one of the priorities. Strongly encouraged by the international community, the meetings of the Comité de suivi continued, as did the preparations for the legislative elections scheduled for 2009. The two important pieces of legislation were adopted, the Electoral Code and the law for the establishment of an Electoral Commission.

5. Despite the resumption of diplomatic relations between Chad and the Sudan, the overall mistrust between the two countries has prevailed, significantly affected by the cross-border activities of rebel groups, for which mutual accusations of support continued. In the framework of the Dakar process, the latest Contact Group meeting in N'Djamena has not yet been followed up, as envisaged, by a meeting in Khartoum.

6. There have been important political developments in the Central African Republic during the period under review, in particular agreements with regard to the establishment of a broad-based government, commitment to organize municipal, legislative and presidential elections in 2009, as well as an agreement to implement security sector reform, including the immediate start of a disarmament, demobilization and reintegration programme. However, recent demonstrations of

force by rebel groups in the north of the country and the influx of refugees from the Central African Republic at the Chad border are worrying signs of the still fragile situation. Dissident rebel groups were encouraged to re-join the inclusive political dialogue as the only option for a peaceful development.

III. Security situation and EUFOR activities

7. The deployment of the EUFOR operation has contributed positively and tangibly to an improved overall security environment for international and humanitarian aid workers as well as the local population in its area of operations. However, this region is still blighted by multi-dimensional conflicts yet to be resolved.

8. Generally, the security situation in Chad has remained relatively calm over the past six months. The prevalence of inter-ethnic clashes between rival tribes, an ongoing concern for all stakeholders, diminished owing to the high visibility operations of EUFOR. This was a significant factor in reducing such clashes over the past six months.

9. In the Central African Republic, the expectations of the inclusive political dialogue have not yet been met and some groups have returned to armed opposition, resulting in clashes with Government forces. This has led to some 7,000 refugees crossing the border into the southern region of Chad. Criminal activity is common for this period of the dry season, especially in the Ouanda-Djallé area, where an increase has been observed. There are recent reports of banditry against humanitarian actors and clashes among armed actors present in the area. There is a risk that the security situation in the country will deteriorate further.

EUFOR activities

10. EUFOR has been generally welcomed and viewed as a credible and professional force that is credited with contributing to the preservation of a safe and secure environment. EUFOR, in observance of its mandate, has acted in an impartial, neutral and independent manner.

11. The establishment and maintenance of a high tempo and broad-spectrum operational profile throughout the area of operations since full operating capability was reached on 15 September 2008 has been one of the key contributing factors to the success of the EUFOR operation.

12. Ground operations remained focused on designated areas of interest, while air operations, including unmanned aerial vehicles, continued to provide valuable visibility of the area of operations. By way of example, the support to the recent UNHCR mission to Daha on the Chad/Central African Republic border was an important contribution to overall security in that area.

13. The impact on the security environment through the conduct of more than 260 long-range patrols into areas that required an extended EUFOR presence was effective in contributing to a safe and secure environment and also provided a significant deterrent. Those patrols have been crucial in extending the EUFOR presence far beyond the immediate environs of its main bases. Moreover, with bases located on the main internal displaced person sites and refugee camps, the total of

over 2,300 short-range patrols conducted played a vital part in stabilizing those districts.

14. The conduct of combined joint operations, using air and ground assets, enabled EUFOR to establish a high-visibility presence in areas where criminal activity had been identified. Those operations resulted in a significant reduction in criminality, inter-ethnic clashes and spoiler activity and enhanced the credibility of EUFOR.

15. Throughout the operation the use of fixed-wing and rotary aircraft was a key enabler for the successful accomplishment of the mission. In particular, during the end of the rainy season when land mobility was still restricted, the use of air assets was of critical importance. The helicopter capability in theatre was enhanced significantly from early 2009, enabling EUFOR to react swiftly to situations and project forces to remote areas in a short time frame. In this regard, the extraction of non-governmental organization personnel from Ouandja in the Central African Republic by helicopter in November 2008 enhanced the standing of EUFOR within the humanitarian community.

16. The operation's situational awareness, achieved through the use of multiple sensors including satellite imagery, air and ground reconnaissance, human intelligence, geographical and civil-military cooperation teams, greatly benefited all international actors including MINURCAT and the humanitarian community. The increased awareness and understanding enabled EUFOR to concentrate its operations on the more vulnerable and insecure areas of the area of operations.

17. EUFOR performed some 260 visits to internally displaced person sites and conducted more than 750 surveys of internally displaced person/refugee sites. The active engagement with over 70 international and non-governmental organizations, through formal coordination mechanisms and information-sharing structures, ensured a coherent and joined-up approach to the humanitarian and security issues. This led to confidence-building among international actors and the work of the civil-military cooperation teams greatly enhanced this process. Furthermore, the integration of human rights issues and the protection of women and children in armed conflict into the conduct of the operation, in accordance with Security Council resolutions 1325 (2000) and 1612 (2005), has been an important aspect of the work of EUFOR.

18. The provision of medical care for the local population was not a primary task for EUFOR. However, the practical assistance afforded through over 1,600 local consultations and 30 local surgical interventions played a key role in demonstrating the goodwill and concern of the operation for the local community in Chad and north-eastern Central African Republic. This intent was further enhanced by the removal of some 350 unexploded ordnance devices within the EUFOR area of operations, contributing to the safety of the local population.

19. The construction of six spacious and fully fledged military compounds in theatre is testament to the capabilities of the operation. Their transfer, including the new aircraft aprons with cargo facilities in N'Djamena and Abeche, to the Government of Chad on 15 March 2009 for onwards transfer to MINURCAT has provided the United Nations force with an immediate and first-class bridgehead in theatre.

20. The engagement with MINURCAT has been very significant since the beginning of the operation and has further intensified as handover approached. The

real life support that EUFOR has provided to MINURCAT helped it in the development of its capabilities to train and deploy the United Nations-trained Chadian police Détachement intégré de sécurité in the area of operations. The visible presence of the Détachement intégré de sécurité throughout the area of operations is improving the security situation around the refugee camps and internally displaced person sites.

21. During the last stages of the EUFOR mandate the planning effort was progressively focused on the handover to MINURCAT and recovery of EUFOR. To this end efficient joint and collaborative planning with the United Nations was undertaken immediately following the mid-mandate review, in order to ensure a seamless handover to MINURCAT. The adoption of Security Council resolution 1861 (2009) on 14 January 2009 enabled EUFOR and MINURCAT to finalize planning. As part of the joint efforts, EUFOR sent technical teams to work alongside the United Nations, covering all aspects of planning. A joint EUFOR/MINURCAT seminar was held late in February in Chad where outstanding issues were successfully dealt with. Parallel to that process, the EUFOR focus was on the recovery of those troops that would not come under United Nations command.

22. Finally, the transfer of authority between EUFOR and MINURCAT was effected as planned, on 15 March 2009, one year after the declaration that EUFOR had achieved its initial operating capability, in accordance with Security Council resolutions 1778 (2007), 1834 (2008) and 1861 (2000).

IV. Outlook

23. The broad acknowledgement of the EUFOR contribution to a safe and secure environment both by the local populations in the area and by the international actors working in the area has underpinned a feeling of a new sense of confidence among the various actors in the area of operations. Moreover, the operation's deterrent effect reinforced the message that the parties should not seek military solutions to the conflicts. This has further enhanced the positive perception of EUFOR as being credible, impartial and multinational.

24. EUFOR has set the conditions for a successful transition to MINURCAT and ensured through data transfer, contractual arrangements and reverse support that MINURCAT will inherit an effective operational apparatus, thus ensuring a seamless transition in sustaining and contributing to a safe and secure environment.

25. The EUFOR presence has had a tangible effect on improving overall security in the region but the unpredictable political environment both within the area of operations and outside will continue to make the mission of MINURCAT challenging.

26. The issue of the arrest warrant for President Al-Bashir of the Sudan, indicted by the International Criminal Court, might contribute to increased regional instability, although, during the period under review, there has been no direct impact within the EUFOR area of operations. However, the expulsion of a number of humanitarian organizations from Darfur and the subsequent reduced capacity to deliver humanitarian aid could raise the perspective of large numbers of new refugees crossing the border into Chad. This would present significant security challenges and consequences for MINURCAT.

27. The European Union followed a regional and comprehensive approach in planning and conducting this operation. The actions of EUFOR, the activities in the political and diplomatic fields, on the one hand, and in the humanitarian and development fields, on the other, have been both complementary and coordinated, thereby maximizing the European Union's impact on the ground.

28. The redeployment of EUFOR does not mark the end of the European Union's involvement in Chad, in the Central African Republic or in the region. Around 2,000 troops who served under EUFOR are now under the MINURCAT banner. Moreover, the European Union will remain active at a political and diplomatic level in Chad, in the Central African Republic and especially in the Sudan, where the implementation of the Comprehensive Peace Agreement and the Darfur peace process is crucial to the stabilization of the region. The European Union will also continue to be active in the region in the field of humanitarian and development activities.

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General Assembly
Security Council

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23 April 2009
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General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 21 April 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 1 to 14 April 2009.

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

09-31123 (E) 280409 280409

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Annex to the identical letters dated 21 April 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 1 to 14 April 2009

Air violations

On 1 April 2009:

- Between 0835 and 1000 hours, an Israeli enemy reconnaissance aircraft circled at a high altitude over the 11th Brigade sector (central sector, south of the Litani river).
- Between 1645 and 2150 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over the sea off Naqurah flying north and circled over Beirut before leaving over Naqurah.

On 3 April 2009, between 0907 and 1825 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving over Alma al-Sha'b.

On 4 April 2009, between 0955 and 2225 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled the South, Rashiya al-Wadi and Riyaq before leaving over Kafr Kila.

On 7 April 2009, between 1620 and 2110 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled the South before leaving over Naqurah.

On 8 April 2009, between 0657 and 1345 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah flying north and circled the South before leaving over Rumaysh.

On 10 April 2009, between 0840 and 1515 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah flying north and circled the South before leaving over Naqurah.

On 11 April 2009:

- Four Israeli warplanes violated Lebanese airspace. At 1030 hours, two of the warplanes entered over the occupied Shab'a Farms, circled over Beirut and the South and left at 1137 hours over the sea off Tripoli, heading in the direction of Turkey. The other two warplanes entered at 1034 hours over Kafr Kila, circled over the entire country and left at 1105 hours over Rumaysh.
- Between 0700 and 1635 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Alma al-Sha'b and circled over the South before leaving over Alma al-Sha'b.

On 12 April 2009, between 1005 and 2040 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah flying north and circled over the South before leaving over Naqurah.

On 13 April 2009, at 0715 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Alma al-Sha'b flying north and circled over the South, Riyaq and Baalbek before leaving over Alma al-Sha'b on 14 April at 0200 hours.

Sea violations

On 3 April 2009, at 0430 hours, an Israeli enemy launch located 100 metres south of buoy no. 3 shone a searchlight for five seconds in the direction of a Lebanese fishing boat located north of the line of buoys. At 0525 hours, the launch shone a searchlight for 30 seconds in the direction of three fishing boats at the same location.

On 13 April 2009, at 2010 hours, the Israeli enemy shone a searchlight for seven seconds from its position at Ra's Naqurah in the direction of Lebanese territorial waters to a distance of 300 metres north of the line of buoys (buoy no. 7).

On 14 April 2009, at 2044 hours, the Israeli enemy shone a searchlight for five seconds from its position at Ra's Naqurah in the direction of Lebanese territorial waters to a distance of 300 metres north of the line of buoys (buoy no. 2). It did so again for four seconds at 2157 hours.

Acts of aggression in the field

On 1 April 2009, at 1815 hours, an Israeli enemy Merkava tank positioned itself approximately 300 metres from the Blue Line, opposite the Lebanese Army post at Mays al-Jabal. It pointed its gun towards Lebanese territory before leaving at 1830 hours.

Israeli activities

On 4 April 2009, between 0730 and 0735 hours, an Israeli enemy launch fired at seven naval gunnery target balloons. At 0800 hours, one of the target balloons entered Lebanese territorial waters near buoy no. 2. It is believed to have been carried into Lebanese territorial waters by the current.

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Security Council

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General Assembly
Sixty-third session
Agenda item 21
Question of Cyprus

Security Council
Sixty-fourth year

Letter dated 17 April 2009 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 15 April 2009, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

09-31135 (E) 290409

Please recycle

Annex to the letter dated 17 April 2009 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 14 April 2009 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I would be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to the prospect of talks between the Greek Cypriot administration and Israel regarding the delimitation of maritime jurisdiction areas in the Eastern Mediterranean. The prospective talks have been prompted by the preliminary deal reached between the Greek Cypriot administration and the energy company named Noble Energy for drilling to be undertaken in the area known as "Block 12", which is within the so-called exclusive economic zone of Cyprus. Block 12 reportedly lies in proximity to an Israeli site, some 90 km from the port of Haifa in Northern Israel, where drilling by Noble Energy has uncovered large amounts of hydrocarbons. In this connection, I would like to bring to your kind attention the following:

It should be recalled, at the outset, that the attempts by the Greek Cypriot administration to create a fait accompli in the Eastern Mediterranean through unilateral acts, such as delimitation of the exclusive economic zone and conducting exploratory surveys or seismic research activities for oil and gas exploration, are nothing new, as already brought to your kind attention in my letters of 2 February 2007 (A/61/727-S/2007/54) and of 26 November 2008 (A/63/574-S/2008/741). As is known, the Greek Cypriot administration signed a maritime delimitation agreement with Egypt as early as 2003 and with Lebanon in 2007, to which both the Turkish Cypriot side and Turkey registered their objections with the United Nations, stating that their legitimate rights in the Eastern Mediterranean were being violated. They also objected to the Greek Cypriot side's attempt to adopt a law identifying 13 oil exploration fields around the island of Cyprus and to its call for an international tender for oil exploration in the so-called exclusive economic zone of Cyprus. As already outlined, it is now widely reported in the Greek Cypriot press that despite our objections, the Greek Cypriot administration has taken the further step of preparing for talks with Israel, with a view to signing a maritime delimitation agreement in order to avoid any overlap in the maritime areas referred to hereinbefore.

I would like to take this opportunity to emphasize, once again, that the Greek Cypriot side's activities regarding the delimitation of maritime jurisdiction areas in the Eastern Mediterranean before a comprehensive settlement are aimed at prejudging and violating the fundamental rights and interests of the Turkish Cypriot people, which were the equal co-founding partner in the 1960 Republic of Cyprus and thus have equal rights and say over the natural resources and the sea areas of the island of Cyprus. It should be recalled that the sensitive issue of delimitation of maritime jurisdiction areas for Cyprus was an important aspect of the negotiation process under United Nations auspices in 2004. The United Nations Comprehensive Settlement Plan addressed this subject with the understanding that it is to be determined after a comprehensive political settlement in Cyprus.

Moreover, it must also be noted that the Greek Cypriot administration, purporting to act as if it is the legitimate "Government of the Republic of Cyprus", represents exclusively the Greek Cypriot people and does not have authority to negotiate and conclude agreements, conduct exploratory surveys, pass legislation or grant exploration rights or exploitation licences on behalf of Cyprus as a whole.

I would like to stress that at a time when full-fledged negotiations are ongoing regarding the core issues of a comprehensive settlement, which certainly include the

issue of the maritime jurisdiction areas of the island of Cyprus, the Greek Cypriot agitation to take steps on the matter is part and parcel of chronic attempts by the Greek Cypriot administration to settle the issue outside the negotiation table. These unacceptable and provocative steps, which are oblivious to the rights and interests of Turkish Cypriots not only deepen the gap of confidence between the two sides but could also lead to an escalation of tension between them, thus undermining the chances of a comprehensive settlement on the island. Hence, it is high time that the international community at large and the United Nations in particular urge the Greek Cypriot administration to cease any such activities until the establishment of the new state of affairs in Cyprus.

Finally, I would like to reiterate that the Turkish Cypriot side will continue to take part in the full-fledged negotiations in good faith and do its utmost to reach a comprehensive settlement in 2009, on the basis of the established United Nations parameters and body of work.

(*Signed*) Mehmet Ali **Talat**
President

United Nations S/2009/217

Security Council

Distr.: General
23 April 2009

Original: English

Letter dated 23 April 2009 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council

I have the honour to refer to resolution 1862 (2009) adopted on 14 January 2009, concerning the conflict between Eritrea and Djibouti in Ras Doumeira and Doumeira Island. The letter from the Secretary-General dated 30 March 2009 relating to the implementation of resolution 1862 (2009) states: "We have no information that Eritrea has complied with paragraph 5 of Security Council resolution 1862 (2009)". In the resolution the Council also requested the Secretary-General to report, among other things, on his contacts with the African Union and other relevant regional organizations.

It will be recalled that the regional organizations have been intensely engaged since the outbreak of hostilities, trying to find a peaceful resolution to the border conflict. Lately, since the adoption of resolution 1862 (2009), several regional organizations have taken decisions with respect to the implementation of the resolution; these are:

- Intergovernmental Authority for Development, 27 January 2009
- Assembly of the African Union, 1-3 February 2009
- League of Arab States, 30 and 31 March 2009
- Organization of the Islamic Conference, 15 February 2009

I am enclosing the latest respective positions of these organizations (see annexes) in order for the members to better appreciate the growing convergence on the need to effect an appropriate decision without further delay.

I should be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Roble **Olhaye**

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Annexes to the letter dated 23 April 2009 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council

Annex I

Communiqué of the 32nd extraordinary session of the Council of Ministers of the Intergovernmental Authority for Development

27 January 2009

Welcomes United Nations Security Council resolution 1862 (2009) calling on Eritrea to withdraw from Djibouti territory and calls on the State of Eritrea to respect the decisions of the United Nations Security Council as contained in the resolution.

Annex II

Decision of the Assembly of the African Union on the report of the Peace and Security Council on its activities and the state of peace and security in Africa

1-3 February 2009

Further reiterates its concern at the persisting tension at the border between Djibouti and Eritrea and in the relations between the two countries. The Assembly **recalls** the decision adopted by the Peace and Security Council at its 138th meeting held in Sharm El Sheikh, Egypt, on 29 June 2008, as well as its own decision on the matter. In this respect, the Assembly **welcomes** the efforts being deployed by members of the international community, including the adoption by the United Nations Security Council, on 14 January 2009, of resolution 1862 (2009), which, inter alia, demanded that Eritrea withdraw its forces and all their military hardware to the status quo ante position, acknowledge its border dispute with Djibouti, engage actively in dialogue to defuse the tension, as well as in diplomatic efforts leading to a mutually acceptable settlement, and abide by its obligations as a Member of the United Nations. The Assembly **calls for** speedy implementation of this resolution and **requests** the Commission to maintain consultations with the United Nations and other stakeholders, with a view of contributing to the early resolution of this conflict.

Annex III

[Original: Arabic]

The tense situation on the borders between Djibouti and Eritrea in the Djiboutian region of Ras Doumeira

30 March 2009

The Council of the League of Arab States at the summit level,

Having considered:

- The note of the Secretariat of the League of Arab States,
- The report of the Secretary-General on joint Arab action,

Decides:

1. To reaffirm the need for respect for the sovereignty and territorial unity and integrity of the Republic of Djibouti and to repudiate the aggression against it;

2. To renew its call for respect for the principles of good-neighbourliness and the inviolability of post-colonial borders;

3. To welcome United Nations Security Council resolution 1862 (2009), which calls on Eritrea to withdraw its forces immediately and, in any case no later than five weeks after the adoption of that resolution;

4. To demand that Eritrea implement all the provisions of United Nations Security Council resolution 1862 (2009) with a view to ending the state of tension resulting from the border conflict between the Republic of Djibouti and Eritrea through peaceful means and restoring the status quo ante of February 2008;

5. To call on Eritrea to transfer prisoners and missing persons to the International Committee of the Red Cross in a good-faith gesture, as the Republic of Djibouti has done;

6. To welcome the decision of the Republic of Djibouti to withdraw its forces to the status quo ante in response to the United Nations Security Council resolution;

7. To ask the Secretary-General of the League of Arab States and the Arab Peace and Security Council to continue efforts to address the issue in a way that safeguards the rights of the Republic of Djibouti, and to submit a report on those efforts to the Council of the League of Arab States at its next session;

8. To authorize the Secretariat of the League of Arab States to make the necessary contacts with the Government of Eritrea and the African Union to address the situation, ease tensions and put an end to the border confrontation between the Republic of Djibouti and Eritrea;

9. To express its gratitude to the Secretary-General of the League of Arab States for his efforts to follow up on the issue and his timely dispatch of a fact-finding mission to the Ras Doumeira region from 9 to 11 May 2008.

Annex IV

The Organization of the Islamic Conference urges the international community to implement Security Council resolution on Eritrea-Djibouti standoff

15 February 2009

The Organization of the Islamic Conference (OIC) expressed grave concern over Eritrea's failure to comply with and implement United Nations Security Council resolution 1862 (2009) adopted on 14 January 2009, demanding the pullout of Eritrea's troops and all their military equipment to the positions of the status quo ante, and ensuring that no military presence or activity is pursued in the area where Eritrean aggression occurred in the Djibouti regions of Ras Doumeira and Doumeira Island in June 2008.

The OIC recalled its decision number POL/35/34 on the situation at the Djibouti-Eritrean borders, which was issued by the Council of the Foreign Ministers of the OIC member States held from 18 to 20 June 2008 in Kampala, Uganda, condemning Eritrea's aggression against the Republic of Djibouti. The decision called upon the two parties to uphold the status quo ante border situation, refrain from violating the sanctity of borders as drawn post independence, work out a just and peaceful settlement of the dispute on the basis of the respect of the principles of good-neighbourliness, the respect of States and their territorial integrity, and the respect of the sanctity of internationally recognized borders.

The OIC has welcomed Djibouti's decision to withdraw its forces to the status quo ante in accordance with the request by the Security Council in its official statement dated 12 June 2008 as adopted by the fact-finding mission.

The OIC has exhorted the international community to take the necessary measures to induce Eritrea to comply with and implement the above-mentioned Security Council resolution in order to achieve security and peace in the Horn of Africa.

United Nations S/2009/218

Security Council

Distr.: General
24 April 2009

Original: English

Ninth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Background

1. I have the honour to submit herewith my ninth semi-annual report on the implementation of Security Council resolution 1559 (2004). It provides an update on progress in the implementation of the resolution since my last report, of 16 October 2008 (S/2008/654), and highlights the remaining areas of concern with regard to efforts to strengthen the sovereignty, territorial integrity and political independence of Lebanon.

2. Over the past six months, the domestic political and security situation in Lebanon has continued to improve markedly. The commitments made at Doha have been either fully implemented or meaningfully acted upon. Political divisions between the majority March 14th and opposition March 8th have not led to paralysis, although there have been occasional tensions. The President, Michel Sleiman, has worked tirelessly to forge national unity.

3. The reporting period saw notable steps towards the normalization of ties between Lebanon and the Syrian Arab Republic, including the establishment of embassies and the exchange of visits of senior Government officials. Positive regional developments have also contributed to the stability of the country, in particular in the context of the Arab reconciliation efforts initiated by the Custodian of the Two Holy Mosques, King Abdullah Bin Abdulaziz Al Saud, at the Arab League Economic Summit held in Kuwait in January 2009.

4. On 14 February 2009, a rally was held on Martyrs' Square to commemorate the fourth anniversary of the terrorist attack that killed the former Prime Minister, Rafiq Hariri, and 22 others. A supporter of the Progressive Socialist Party was stabbed to death after attending the commemoration. On 16 February, a rally was organized to commemorate the one-year anniversary of the killing of Imad Mughnieh, a senior commander of Hizbullah.

5. On 1 March 2009, I announced that the Special Tribunal for Lebanon had started functioning at The Hague. The commencement of the Tribunal's work marked a decisive milestone in the tireless efforts by all Lebanese and the international community to uncover the truth, bring those responsible for the assassination of Rafiq Hariri and related crimes to justice and end impunity. I called upon all Member States to fully support and cooperate with the Special Tribunal for Lebanon as it embarks on its work.

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6. On 23 March 2009, a roadside bomb killed Kamal Medhat, deputy to the representative of the Palestine Liberation Organization (PLO) in Lebanon, Abbas Zaki. He and three of his bodyguards died in the blast, while three others were injured.

7. On 8 April, the General Prosecutor of Egypt announced that 49 people had been arrested, on the basis of information from State Security investigations, for allegedly being part of a cell assigned by Hizbullah "to plan and carry out hostile operations on Egyptian soil". On 10 April, the Secretary-General of Hizbullah, Sayyed Hassan Nasrallah, publicly acknowledged that Egyptian authorities had detained a Hizbullah operative for attempting to provide logistical and military assistance to Gaza-based militants. The Government of Egypt expressed its grave concern at external interference on sovereign Egyptian territory. Search for other members of the cell is continuing.

8. In an incident related to organized crime, on 13 April, four Lebanese soldiers were killed and several others were injured when their patrol came under the fire of machine guns and a rocket-propelled grenade, in eastern Lebanon.

II. Implementation of resolution 1559 (2004)

9. I recall that, since the adoption of Security Council resolution 1559 (2004), several of its provisions have now been implemented. Presidential elections were held in May 2008. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic have established diplomatic relations and engaged in high-level talks on matters of relevance to the sovereignty, political independence and territorial integrity of Lebanon, such as the delineation of an international boundary between the two countries, as strongly encouraged by the Security Council in its resolution 1680 (2006).

10. Despite these major strides towards the full implementation of the requirements of resolution 1559 (2004), Lebanese and non-Lebanese militias continue to pose a threat to the stability of the country, and challenge the monopoly of the Government of Lebanon and the Lebanese Armed Forces on the use of force throughout Lebanon. Resolution 1559 (2004) thus remains to be implemented in full.

11. Over the past six months, my representatives and I have remained in regular and close contact with all parties in Lebanon, as well as with relevant regional and international players. I visited Lebanon on 17 January 2009, where I met the President of the Republic, the Speaker of the House and the President of the Council of Ministers, and addressed the Lebanese Parliament. On all these occasions, I expressed my full support for the sovereignty, independence and territorial integrity of Lebanon and the progress made in this regard. On 18 January 2009, I met with the President of the Syrian Arab Republic in Damascus to discuss, inter alia, the implementation of relevant Security Council resolutions pertaining to Lebanon. Most recently, I attended the Arab Summit in Doha on 31 March 2009, on the sidelines of which I held several bilateral meetings with Arab leaders, among them the President of Lebanon, the President of the Syrian Arab Republic, Bashar al-Assad, the Emir of Qatar, Sheikh Hamad bin Khalifa Al-Thani, and the

Palestinian President, Mahmoud Abbas, to discuss, inter alia, the situation in Lebanon.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

12. The primary goal of resolution 1559 (2004) is to strengthen the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, consistent with the Taif Agreement of 1989, to which all the political parties in Lebanon committed themselves. This matter has remained the highest priority in my efforts to assist with the implementation of the resolution.

13. In view of the signature, in Damascus on 15 October 2008, by the Foreign Ministers of the Syrian Arab Republic and Lebanon of a memorandum establishing diplomatic relations effective the same day, on 20 December the Lebanese Council of Ministers appointed Michel Khoury as Lebanon's first ambassador to the Syrian Arab Republic. On 22 December, the Syrian embassy in Beirut became operational. On 16 March 2009, the embassy of Lebanon in Damascus was inaugurated. On 24 March, President Sleiman approved the appointment of Ali Abdel Karim Ali as the first ambassador to Lebanon of the Syrian Arab Republic. On 20 April, Michel Khoury arrived in Damascus to take up his post. With these recent steps, the Syrian Arab Republic and Lebanon have nearly completed the process leading to the establishment of full diplomatic relations between the two countries, in fulfilment of resolution 1680 (2006). I congratulate the Presidents of the Syrian Arab Republic and Lebanon for this historic accomplishment.

14. I have also maintained my efforts to encourage the Syrian Arab Republic and Lebanon to achieve the full delineation of their common border. On 23 December 2008, President Sleiman issued a presidential decree naming the Lebanese members of the Lebanese-Syrian border committee tasked with delineating their common border, which was reactivated pursuant to the agreement reached in Damascus between the Presidents of the two countries on 13 and 14 August 2008. In my recent meetings with President Al-Assad and President Sleiman, both informed me that the joint border committee would convene within a month to start its work on the delineation of the borders. I look forward to the appointment by the Syrian Arab Republic of its delegates to the committee. I welcome the renewed commitment of the two countries to make progress on this matter and expect its early materialization.

15. I have continued diplomatic efforts in relation to the issue of the Shab'a Farms area, and will report on this further in my upcoming report on the implementation of Security Council resolution 1701 (2006).

16. I remain concerned regarding the porous nature of Lebanon's border with the Syrian Arab Republic and the continuing potential for breaches of the arms embargo. While the Lebanese authorities themselves have not reported any incidents of arms smuggling since my last report to the Security Council, Hizbullah leaders continue to assert that it has acquired more sophisticated military technology. Senior officials of the Syrian Arab Republic assert that Damascus is not involved in any illegal transfer of weapons across its border with Lebanon. I am alarmed by continuing reports of a large number of arms in Lebanon. I take these reports

seriously but the United Nations does not have the means to independently verify them. In this context, I call upon all States to abide by the arms embargo. This is a key factor for stability in Lebanon and the region.

17. Meanwhile, the Syrian Arab Republic has again assured me of its intention to cooperate with the Lebanese authorities on border control issues. In this context, I took positive note that the most recent extension of the ongoing Syrian troop deployment along the Lebanese border has been increasingly coordinated with the Lebanese authorities. Further operational coordination between the Syrian Arab Republic and Lebanon will be needed to enhance border control on both sides. I call upon the Government of Lebanon to implement in full the recommendations of the Lebanon Independent Border Assessment Team.

18. Intrusions into Lebanese airspace by Israeli aircraft and unmanned aerial vehicles continued in high numbers in violation of Lebanese sovereignty and Security Council resolutions. The Government of Lebanon continued to protest against these overflights, which the Government of Israel claims are carried out for security reasons. My representatives and I have repeatedly deplored these violations and called on Israel to cease the overflights.

19. Israel continues to occupy the northern part of Ghajar in violation of Lebanon's sovereignty and relevant Security Council resolutions. My representatives in the region are actively working with the Lebanese and Israeli authorities to find an early solution to this matter. I will report on this issue in more detail to the Council in my next report on the implementation of resolution 1701 (2006).

20. On 23 April 2009, a Lebanese prosecutor charged a retired Lebanese officer and three other people with spying for Israel and referred them to the military court. If these allegations proved to be true, it would constitute a violation of Lebanon's sovereignty. Several Lebanese citizens have been arrested in recent months on similar allegations.

B. Extension of Government control over all Lebanese territory

21. The Government of Lebanon has reiterated its fundamental objective in extending the Government's authority over all Lebanese territory so that it is the sole armed force in the country, with the exception of United Nations peacekeeping forces. It has also committed itself to improving the monitoring over the land borders to prevent unauthorized flows of weapons, munitions and personnel into the country.

22. The continued existence and activities of militias as well as the allegations of widespread rearming and paramilitary training by groups on all sides of Lebanon's political spectrum constitute a challenge for the exclusive military authority of the Government of Lebanon. In addition, there are reports of a proliferation of extremist group activities, particularly in northern Lebanon.

23. I strongly condemn the recent attack against the Lebanese Armed Forces, a prominent symbol of the authority of the State. It highlights the proliferation of weapons and armed groups in Lebanon, whose existence is a direct threat to the stability of the country. I join President Sleiman in commending the Lebanese Armed Forces in its efforts to track down the criminals and note that the army

confiscated a significant quantity of drugs, weapons, ammunition and other military equipment.

24. The presence of heavily armed positions belonging to the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifadah on the border between the Syrian Arab Republic and Lebanon gives those militias de facto control of parts of the land border. I call upon the two countries to address this dangerous anomaly.

25. On three separate occasions, rockets were fired from southern Lebanon towards Israel. The Israel Defense Forces retaliated with artillery fire. Further, during the reporting period, the United Nations Interim Force in Lebanon (UNIFIL) and the Lebanese Armed Forces discovered 50 rockets, some of which were equipped with timers and ready to be launched towards Israel. These events are stark reminders that the situation in southern Lebanon remains volatile. I commend the efforts of UNIFIL and the Lebanese Armed Forces to investigate and deter future such attacks in the UNIFIL area of operations.

26. The Lebanese Armed Forces play a crucial role in facing the above-mentioned challenges and in strengthening Lebanon's sovereignty and control over all the country, thereby promoting stability in Lebanon and beyond. The multiple security responsibilities of the Lebanese Armed Forces, compounded by the fact that they lack adequate military equipment, have an impact on their capacity to meet their obligations under relevant Security Council resolutions. I therefore call on donor countries to continue to come forward and assist the Lebanese Armed Forces to improve their logistical and operational capabilities.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

27. The threat that armed groups and militias pose to the sovereignty and stability of the Lebanese State cannot be overstated, as events in May 2008 demonstrated. It creates an atmosphere of intimidation in the context of the upcoming parliamentary elections. It also undermines the stability of the region, and is incompatible with the objectives of resolution 1559 (2004), which aims at strengthening the sovereignty, territorial integrity, unity and political independence of Lebanon.

28. The most significant remaining Lebanese militia is the armed component of Hizbullah. In addition, several Palestinian militias operate in the country, inside and outside refugee camps.

29. I am pleased that the National Dialogue under the auspices of the President of the Republic has continued to convene on a quasi-monthly basis to develop a national defence strategy, which should consider ways to enhance the authority of the State. The last session was held on 2 March, and the participants committed themselves, inter alia, to work to guarantee a political and security climate favourable to the peaceful conduct of the parliamentary election, free of violence and inflammatory rhetoric. It was also agreed that experts would continue to seek to develop a national defence strategy. The next session will convene on 28 April.

30. Over the reporting period, there has been no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias as called for in the Taif Agreement and resolution 1559 (2004).

Palestinian militias

31. During the past few months, in particular in the context of the war in Gaza, tension has increased in Palestinian camps in Lebanon. While the Palestinian factions in Lebanon were eager to demonstrate unity across party lines during the recent conflict with Israel, the situation changed after the ceasefire. The declared commitment to unity can no longer disguise deepening divisions between the political factions on the ground — divisions that represent an additional factor of instability in an overall volatile security context. I am concerned that tensions between PLO and Hamas have become more apparent in the camps. Lebanese security authorities have stepped up their efforts to reach out to the rival faction leaders in a number of camps.

32. Frequent clashes were reported inside and around refugee camps. The most serious event was the terrorist attack on 23 March that killed Kamal Medhat, deputy head of PLO in Lebanon and three of his bodyguards.

33. Some refugee camps, in particular Ain el-Hilweh, provide safe haven for those who seek to escape the authority of the State. That constitutes a reminder of the grave threat that armed groups pose to the stability and sovereignty of Lebanon, underlining the urgency of disarming them. Security coordination and cooperation between the Lebanese security agencies and the Palestinian factions have improved and should be further encouraged.

34. The issue of Palestinian arms outside 12 official refugee camps in Lebanon has resurfaced in the Lebanese political discourse. There are four such Palestinian military bases located along the Lebanese-Syrian border, as well as a fifth, south of Beirut. Those military installations are illegally maintained by the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifadah.

35. The alleged involvement of the Popular Front for the Liberation of Palestine-General Command in the firing of rockets from Lebanese soil towards Israel at the time of the Gaza war drew national attention to the activities of this group and the risks it posed to stability in Lebanon. This question has also been on the agenda of the National Dialogue. However, no conclusive results have been reached at this stage. While the 14 key political leaders achieved agreement in the 2006 National Dialogue that those Palestinian armed positions had to be dismantled within six months, no progress has been made. During recent rounds of the National Dialogue, Lebanese leaders have reiterated their commitment to that agreement. The time has come to implement that important decision.

36. I am mindful that the implementation of the decisions reached by the National Dialogue in 2006 to disarm Palestinian militias outside the camps falls primarily under the responsibility of the Lebanese authorities. Nevertheless, given that the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada are both headquartered in Damascus, I request the Government of the Syrian Arab Republic to assist the Lebanese in this process and to urge those groups to abide by the decisions of the Government of Lebanon.

37. The Palestinian President, Mahmoud Abbas, has thanked the Government of Lebanon for its efforts to improve the living conditions of Palestine refugees in Lebanon. In this context, the leadership of the Palestine Liberation Organization has reiterated to me the need for the Palestinians in Lebanon to respect the sovereignty and political independence of Lebanon, and Lebanese law and security

requirements. The commendable policies adopted by the Government led by the Prime Minister, Fouad Siniora, on this issue should be pursued and implemented by the new government of Lebanon to be formed after the June elections.

38. Indeed, given the detrimental effects of living conditions in the camps on the wider security situation in Lebanon, I remain convinced that it is imperative that progress be made not only towards disbanding and disarming Palestinian militias in Lebanon, but also towards improving the conditions in which the refugee population lives, without prejudice to the settlement of the Palestine refugee question in the context of an eventual Israeli-Palestinian peace agreement.

39. Progress, albeit slow, continues to be made towards the reconstruction of the destroyed Nahr el-Bared refugee camp. Insufficient donor funding remains a critical obstacle, however. Securing adequate funding to enable the more than 30,000 displaced persons to return speedily to their homes would contribute to the broader goal we all share of strengthening Lebanon's stability and security. The Prime Minister is to be commended for his commitment to improving security in and around the 12 official refugee camps in Lebanon, using Nahr el-Bared as a model. At the same time, I encourage the continued improvement of intercommunal dialogue and greater freedom of movement for the refugees, as espoused by the Lebanese-Palestinian Dialogue Committee.

Lebanese militias

40. The understanding reached in the Taif Agreement in the aftermath of the civil war that all Lebanese and non-Lebanese militias would disband and disarm, led, at the time, Lebanese militias, with the exception of Hizbullah, to give up their armed capacities. This understanding must be preserved and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese.

41. Hizbullah continues to maintain a substantial paramilitary capacity and infrastructure separate from the State in violation of Security Council resolution 1559 (2004). This arsenal, which by Hizbullah's own description includes a separate telecommunications network, is a direct challenge to the sovereignty of the Lebanese State and an obstacle for the conduct of the normal democratic process in the country. I have been deeply concerned by recent public statements by leaders of Hizbullah suggesting that the militia has sought to upgrade its paramilitary capacity. I therefore reiterate my call on Hizbullah to comply immediately with all relevant Security Council resolutions and the Taif Agreement.

42. I was concerned at the statements made by Hizbullah leaders during the recent conflict in Gaza, exhorting the Egyptian military to defy its political leadership in support of Hamas militants. Further, I am alarmed that Hizbullah publicly admitted to providing support to Gaza-based militants from Egyptian territory. Such activity indicates that Hizbullah operates outside Lebanese territory and beyond its stated national agenda. I condemn such unwarranted interference in the domestic affairs of a sovereign Member State.

43. The eventual disarmament of Hizbullah and the completion of its transformation into a solely political party, consistent with the requirements of the Taif Agreement, is essential for the full restoration of the sovereignty, territorial integrity and political independence of Lebanon. It is also vital for regional peace and stability. I therefore urge all parties which maintain close ties with Hizbullah

and have the ability to influence it, in particular the Islamic Republic of Iran and the Syrian Arab Republic, to encourage this process.

General

44. The disbanding and disarming of all Lebanese and non-Lebanese militias, as called for in the Taif Agreement and resolution 1559 (2004), constitute a vital objective to secure and strengthen the sovereignty, integrity and political independence of Lebanon. They are also essential for the stability of the region.

45. I reiterate my firm conviction that the disarmament of Lebanese and non-Lebanese militias should be affected through a political process that will lead to the monopoly on the use of force by the Government of Lebanon throughout all of its territory. The ultimate purpose of disarmament is the establishment of a strong Lebanese State for all inhabitants of Lebanon. This political process presupposes, in the first instance, clear respect of the Constitution and the Taif Agreement from all parties as well as dialogue and a spirit of cooperation and conciliation between the various political forces in Lebanon.

46. Mindful of the regional ramifications of this issue, I call on all parties, inside and outside Lebanon, to halt immediately all efforts to transfer, or acquire weapons and build paramilitary capacities outside the authority of the State.

III. Observations

47. Almost a year has passed since the adoption on 21 May 2008 of the agreement between Lebanese political leaders brokered by the Emir of Qatar with the support of the League of Arab States. Considering the level of tension and violence that prevailed in Lebanon prior to the agreement, its implementation has been particularly smooth. Since the election of President Sleiman, Lebanon has witnessed its longest period of domestic stability since the adoption of resolution 1559 (2004). The general improvement of the situation in the country, combined with reconciliation efforts in the region, creates a potential momentum to strengthen the sovereignty and political independence of Lebanon and Government control throughout the country.

48. I remain concerned, however, at the occasional security incidents during the reporting period, some of which have led to casualties. Those occurrences highlight the proliferation of weapons and armed groups that continue to operate in Lebanon and whose existence is an ongoing violation of resolution 1559 (2004), and a direct threat to the stability of the country and the region as a whole. The threats posed by the existence of militias outside the control of the State render valid the remaining provisions of resolution 1559 (2004) as they relate to the disarmament of all armed groups and the extension of the Government's control throughout the country. The disbanding and disarming of Lebanese and non-Lebanese militias is a necessary element to the complete consolidation of Lebanon as a sovereign and democratic State.

49. I am concerned by security incidents in and around Palestinian camps. While I recognize that security cooperation between the Lebanese authorities and Palestinian factions has improved, more needs to be done to contain violence that could potentially spillover into surrounding areas. More specifically, I call upon the

Lebanese authorities to take the necessary measures, consistent with the decisions of the National Dialogue, to dismantle the paramilitary infrastructure outside refugee camps of the Damascus-headquartered Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifadah, mindful that the Syrian Arab Republic has a particular responsibility to aid the Lebanese authorities in these efforts.

50. Hizbullah's maintenance of a paramilitary capacity poses a key challenge to the Government's monopoly on the legitimate use of force. Recent clandestine and illegal militant activities by the militia beyond Lebanese territory indicate that its objectives extend beyond Lebanon and, as such, pose a threat to regional peace and stability. I call upon Hizbullah to cease any militant activities outside Lebanon and to complete its transformation into a solely Lebanese political party, consistent with the requirements of the Taif Agreement. Regional parties, particularly those that maintain close ties with Hizbullah, must encourage it in the same direction.

51. While the issue of Hizbullah's weapons continues to be central to the political debate in Lebanon, I reiterate my conviction that the disarming and disbanding of Lebanese and non-Lebanese militias should be effected through an inclusive political dialogue that addresses the political interests of all Lebanese, and ultimately confirms the sole political and military authority of the Government of Lebanon.

52. I am encouraged that the National Dialogue convened by President Sleiman meets regularly. The dialogue touches upon fundamental issues that will affect Lebanon's future and character as a State well beyond the immediate horizon. In this sense, I urge all the parties not to let the process be derailed by short-sighted electoral interests.

53. While recognizing the merits of the process, the overall gains of the National Dialogue have remained limited, at this stage. I therefore urge all Lebanese leaders to approach this process in a spirit of cooperation and to exert every effort towards a positive and concrete outcome that formalizes the Government of Lebanon's monopoly over the use of force within the country's boundaries and generates progress towards the disarmament of all Lebanese and non-Lebanese militias consistent with Security Council resolutions and the Taif Agreement.

54. The parliamentary elections scheduled for 7 June 2009 will constitute a new milestone in the momentous transition that Lebanon has undertaken since the adoption of resolution 1559 (2004). I am glad that the Lebanese leaders have committed themselves to free and fair elections void of violence and inflammatory rhetoric. It is indeed essential that the parties continue to adhere to the Doha agreement, including the commitment to refrain from the use of weapons to settle internal political dispute. The leaders of Lebanon must think first and foremost about the future of their country and transcend sectarian and individual interests. On 7 June, the Lebanese will have a unique opportunity to express their genuine commitment to democracy.

55. As we are marking the fourth anniversary of the withdrawal by the Syrian Arab Republic of its troops from Lebanon, I am glad that relations between the two historically close neighbours have improved markedly and entered a new phase with the establishment of diplomatic relations. I praise President Bashar al-Assad and President Michel Sleiman for their leadership. I hope that this achievement heralds an era of renewed cooperation between the two countries in mutual respect for their

sovereignty and political independence. I am looking forward to the outcome of the work of the joint committee tasked with the delineation of the border between the two countries, as called for in resolution 1680 (2006). Tangible progress on the demarcation of the border will benefit both countries.

56. In sum, I am relieved that the political and security situation in Lebanon has improved considerably over the past year. I remain, however, keenly conscious that the combination of mistrust among the parties, political competition in the context of the parliamentary elections, and the continued presence of militias could lead to tensions and possible further insecurity and instability in Lebanon and beyond. It is therefore imperative that Lebanon preserve its comprehensive political framework of coexistence — as set out in the Taif Agreement — in an atmosphere free from intimidation.

57. I call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I will continue my efforts for the purpose of the full implementation of these and all other relevant Security Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.

United Nations S/2009/219

Security Council

Distr.: General
22 April 2009

Original: English

Letter dated 22 April 2009 from the Secretary-General to the President of the Security Council

I wish to inform you that, in consultation with the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities, and taking into account the requirements stated in relevant resolutions, I have appointed Ms. Fikile P. Zitha (South Africa) to serve as an expert on the Analytical Support and Sanctions Implementation Monitoring Team established pursuant to resolution 1526 (2004) and further extended by resolution 1822 (2008), for a period expiring on 31 December 2009.

Ms. Zitha will succeed Mr. Wilson C. Kalumba (Zambia), who served as an expert on the Monitoring Team from 15 March 2004 to 31 December 2008.

(*Signed*) **Ban** Ki-moon

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United Nations A/63/832–S/2009/220

General Assembly
Security Council

Distr.: General
24 April 2009

Original: English

General Assembly
Sixty-third session
Agenda item 10
Report of the Peacebuilding Commission

Security Council
Sixty-fourth year

Letter dated 9 April 2009 from the Chairperson of the Peacebuilding Commission and the Chairperson of the Sierra Leone configuration of the Peacebuilding Commission to the President of the General Assembly and the President of the Security Council

We have the honour to refer you to the statement by the Chair of the Peacebuilding Commission's country-specific configuration in Sierra Leone (PBC/3/SLE/4), issued on the occasion of the signing of a joint communiqué between the leading political parties in Sierra Leone.

The communiqué is the outcome of a bi-party dialogue facilitated by the United Nations in the aftermath of the incidents of inter-party violence in Sierra Leone on 13 to 16 March. It demonstrates a significant shared commitment between the two largest political parties to the consolidation of democracy and peace in Sierra Leone.

In accordance with paragraph 14 of the founding resolutions of the Peacebuilding Commission, we would like to draw your attention to the recommendation addressed to the international community for follow-up action to the joint communiqué.

The Peacebuilding Commission reiterates its determination to provide unflagging support to the consolidation of peace in Sierra Leone with a view to securing a future that is free from fear and free from want.

(*Signed*) Heraldo **Muñoz**
Chairperson
Peacebuilding Commission

(*Signed*) John **McNee**
Chairperson
Sierra Leone Configuration
Peacebuilding Commission

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United Nations S/2009/221

Security Council

Distr.: General
24 April 2009

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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its Peace Process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1864 (2009), by which the Council, pursuant to the request of the Government of Nepal and the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN), as set out in resolution 1740 (2007), until 23 July 2009 and requested an interim report by 30 April. UNMIN was established as a special political mission with a mandate which included the monitoring of the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN-M) and the Nepal Army. Following the merger of CPN-M with the Communist Party of Nepal — Unity Centre (Masal) on 13 January 2009, the party was renamed the Unified Communist Party of Nepal-Maoist (UCPN-M).

2. This report reviews progress in the peace process and the implementation of the mandate of UNMIN since my report to the Council of 2 January 2009 (S/2009/1).

II. Progress of the peace process

3. There has been some progress on significant issues related to the peace process. As regards the all-important constitution-making work, nationwide public consultations on constitutional matters have been taking place and Constituent Assembly committees have prepared concept papers. Among the key bodies convened since the formation of the Government in August 2008 is the Special Committee mandated by the Comprehensive Peace Agreement and article 146 of the Interim Constitution to supervise, integrate and rehabilitate Maoist army personnel, which began regular consultations. Its Technical Committee was also formed, and has taken up its functions. The Government took steps towards the discharge of disqualified Maoist army personnel from the cantonment sites. Despite these not insignificant positive measures, differences among the major political parties continued to impede decision-making, hindering work in the Legislature-Parliament and implementation of peace process commitments. Notwithstanding the formation of coordination committees to strengthen relations and cooperation between UCPN-M and its major governing coalition partner, the Communist Party of Nepal

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(Unified Marxist-Leninist) (UML), and among the four political parties in the Maoist-led coalition Government, those relations remained fractious, marked by public acrimony and weak consultation over major decisions.

4. On 19 January, the Legislature-Parliament formed an 11-member committee comprising representatives of seven major political parties to monitor implementation of the nine-point agreement of November 2008 between the main opposition party, the Nepali Congress (NC), and the Government. The principal commitments included the return of property and reform of the UCPN-M Young Communist League. On 5 February, the Prime Minister, Pushpa Kamal Dahal "Prachanda", announced that all paramilitary structures of the Young Communist League would be disbanded, and instructed it to vacate all occupied government and public properties. At the request of the committee, the Secretaries of the Ministries of Home Affairs, Peace and Reconstruction and Industry and Commerce submitted a report on land and property seized by Maoists. The committee, which was expected to report on its findings by 6 May, has been given an extension until 31 July. The opposition Nepali Congress claims that the principal commitments have not been implemented, and it is expected to raise the issue strongly at the fifth session of the Legislature-Parliament which was scheduled to begin on 29 March. This session, initially boycotted by the UML and the opposition parties NC and the Tarai Madhesh Democratic Party (TMDP), resumed on 15 April when the Prime Minister expressed his commitment to ensure the implementation of past agreements.

5. The Constitutional Council, which is headed by the Prime Minister and makes recommendations on appointments to constitutional bodies, met in January for the first time in two years. The Council made appointments to the Public Service Commission, which, like several constitutional bodies, has not functioned effectively throughout the peace process because of vacancies. There has been some progress in the establishment of local peace committees to monitor the peace process, help resolve conflict and promote reconciliation and peacebuilding. The terms of reference of the local peace committees have been revised and finalized, on the basis of consensus among the major parties, including the Nepali Congress. By mid-April, the Ministry of Peace and Reconstruction had formally received reports that local peace committees had been formed in 10 out of 75 districts.

6. The Cabinet appointed members to the National Security Council, as provided for under article 145 of the Interim Constitution, to make recommendations on the mobilization, operation and use of the Nepal Army. It met for the first time in six years on 2 March. The Council is chaired by the Prime Minister and comprises the Minister for Home Affairs, Bam Dev Gautam (UML), the Minister for Foreign Affairs, Upendra Yadav (Madheshi People's Rights Forum (MPRF)), the Minister of Defence, Ram Bahadur Thapa (UCPN-M) and the Minister for Peace and Reconstruction, Janardan Sharma (UCPN-M). Its establishment is part of the process of strengthening civilian control over the Nepal Army and it is expected to play a role in developing a national security policy.

7. Tension persisted between the Ministry of Defence and the Nepal Army over the Army's recruitment of some 3,000 new personnel in contravention of instructions by the Minister of Defence and an interim order by the Supreme Court on 23 February to suspend recruitment. A national non-governmental organization filed public interest litigation in the Supreme Court against the Nepal Army recruitment on 17 February. On 28 February, leaders of the governing coalition

agreed that while the Nepal Army recruitment had been conducted in defiance of the Government, they would nonetheless allow it to stand. On 2 March, the Maoist army Commander, Nanda Kishore Pun "Pasang", issued a press release stating that this decision paved the way for the Maoist army to recruit new members, and calling on Nepali youths over the age of 18 to apply at the seven main cantonment sites. On 8 March, a single bench of the Supreme Court issued a stay order to halt Maoist army recruitment, and recruitment activity in the Maoist army cantonments stopped on 10 March. The Supreme Court is expected to issue final verdicts in both cases in May. UNMIN has consistently taken the position that any recruitment by either army constitutes a breach of the Comprehensive Peace Agreement and other related agreements.

8. Eight Nepal Army brigadier generals, whose tenure had not been extended by the Ministry of Defence, contested the Ministry's decision in the Supreme Court, which gave an interim order on 24 March reinstating them provisionally. Maoist cadres responded to the Court's decision with street protests in which judges were burned in effigy. UCPN-M leaders publicly questioned the Court's decision and its competence. These actions were criticized strongly by NC and UML, several of whose members have publicly stated support for the Nepal Army recruitment and called for the reinstatement of the generals. The episode deepened rifts between UCPN-M on one side and NC and UML on the other.

9. During its fourth session, the Legislature-Parliament approved seven bills and the budget for 2008/09 before being prorogued on 19 January. Shortly after the adjournment, the Government issued nine ordinances, a move criticized by several parties, notably NC and UML, for bypassing parliamentary procedure. The Ordinance on Maintaining Inclusiveness in the Public Sector, which provides for 45 per cent representation of historically marginalized communities, including in the security forces and health and education sectors, was promulgated in February. It provoked a violent two-week bandh (general strike) in March across the southern Tarai plains, part of a broader movement for greater recognition of the rights of indigenous ethnic groups. The bandh was imposed by the Tharuhat Joint Struggle Committee, representing several Tharu organizations, and supported by NC and UML and other indigenous groups who objected to their inclusion under the category of Madheshi in the Ordinance. Five demonstrators and one armed police officer were killed during the protests, which severely disrupted daily life across the region, and were called off after the Government and the Tharuhat Joint Struggle Committee reached an agreement on 14 March. The agreement recognizes the distinct identities of Janajatis, Madheshis, Dalits, Muslims and all other minorities in the country, including the indigenous Tharus of the Tarai, and includes the commitment to amend constitutional and legal provisions accordingly.

10. Madheshi issues remained prominent on the political agenda. The Tarai Madhesh Democratic Party withdrew its support for the Maoist-led Government on 1 January and, together with the Sadbhawana Party, engaged in protests to press for implementation of the agreement of February 2008 between the Interim Government and the United Democratic Madhesi Front (UDMF), which they view as including autonomy for the Madhesh region, in reference to the whole of the southern Tarai plains, a concept contested by other ethnic groups in the area. UCPN-M party leaders from across the Tarai met to discuss regional issues, and Madheshi concerns in particular. A senior UCPN-M Madheshi leader and former Minister, Matrika Yadav, announced that he would reconstitute CPN-M as a national party, claiming

that the UCPN-M leadership had not done enough to address Madheshi concerns. Subsequently, the new CPM-M joined with the Kirant Janabadi Workers' Party, an armed group active mainly in the eastern hills, which had held an initial round of talks with the Government in January. Meanwhile, Upendra Yadav, MPRF Chairperson and Foreign Minister, warned that his party would leave the Government if Madheshi concerns were not adequately addressed. In March, several leaders left MPRF to form the Tarai-Madhesh Party.

11. Protests erupted following the killing of Prachanda Thaiba, a member of the UML-affiliated Youth Force, by an unidentified group in Butwal, Rupandehi district, on 26 March. UML claimed that a UCPN-M affiliated Young Communist League cadre was responsible for the killing. Despite an indefinite curfew imposed by the district authorities, the local UCPN-M and Young Communist League offices were vandalized, allegedly by UML supporters. As a result of the incident, UML threatened to pull out of the Government unless UCPN-M took steps to bring the perpetrators to justice. The parties accused UCPN-M of promoting a culture of impunity, impeding the effective functioning of the judiciary, the media and the Nepal Army, and failing to implement past agreements. Following his return on 4 April, from a week-long visit to Norway and Finland, the Prime Minister met with leaders of other political parties to discuss overcoming the impasse, during which the Legislature-Parliament had been suspended; he presented a number of public commitments on 15 April.

12. On 10 April, by-elections were held in six constituencies where the incumbents had vacated seats won in the Constituent Assembly elections held on 10 April 2008. The Election Commission deployed 2,450 staff to conduct the by-election. According to the Election Commission, 490 polling centres were set up and there were 444,353 people on the voters' rolls. There were 139 candidates, including 10 women. Security problems were reported in Morang-7, where there were clashes on the eve of the election between cadres of UCPN-M and the reconstituted CPN-M, but the situation remained relatively calm elsewhere. The Election Commission reported several violations of the election code of conduct. Three national and four international observers had permission to observe the by-election. UCPN-M won in the three constituencies of Kanchanpur-4, Kaski-1 and Rolpa-2, while the Nepali Congress, UML and MPRF won one seat each in Morang-7, Dhanusha-5 and Morang-5 respectively. The Nepali Congress lost the seats in Dhanusha-5 and Kanchanpur-4 which it had won in the Constituent Assembly elections of 10 April 2008. Voter turnout at the by-elections was on average 13 per cent lower than in 2008 in the six constituencies.

13. In a close contest, the approximately 1,800 delegates at the UML National Convention on 16 February at Butwal elected Jhalanath Khanal, former General Secretary, to the newly created position of Chairman. Khanal's main challenger, K. P. Oli, has been critical of the Maoist-led Government, giving voice to growing frustration within the party. The election process was viewed as signalling the democratic transformation of the party.

14. Free Student Union elections were held in March in colleges across the country. Several violent protests and clashes were reported between members of student groups affiliated with UCPN-M, UML and NC and their youth wings, and between students and the police. The UML- and NC-affiliated student unions posted better results than the less well-established union affiliated with UCPN-M.

15. During the reporting period, the United Nations High Commissioner for Human Rights, Navanethem Pillay, visited Nepal (see para. 39) to observe the operations of the country office and to seek a renewal of the mandate of her Office, which expires in June.

III. Drafting the constitution

16. The Constituent Assembly has made some progress on the constitution-drafting process, which is to be completed by May 2010. Chairpersons of the 14 Constituent Assembly and 10 Legislature-Parliament committees were elected by 13 January. After nomination by the Council of Ministers as a Constituent Assembly member, a senior UML leader, Madhav Kumar Nepal, was elected unanimously as Chairperson of the 63-member Constitutional Committee, which has principal responsibility for finalizing the new constitution. Forty teams of Constituent Assembly members visited the 75 districts over a three-week period in March to solicit public opinion on the constitution. Their use of a lengthy technical questionnaire met with criticism, and the methodology for the compilation, analysis and use of the results has yet to be determined. Constituent Assembly committees are to submit thematic concept papers to the Constitutional Committee late in April.

17. Several political parties presented their proposals for the new constitution to the Constitutional Committee. The main challenges for the Committee will be reaching agreement on the form of governance and the new federal structure of the country. The parties have proposed several different forms of government, UCPN-M and MPRF opting for a presidential system and NC for a Westminster-style parliamentary system. UML has proposed a parliamentary form of government with a directly elected Prime Minister. Some smaller royalist parties remain loyal to the monarchy. With regard to the future federal structure of Nepal, UCPN-M put forward a federation of 13 autonomous provinces, including some based on ethnic lines. UML proposed a federal structure based on geography, population, language, culture, history and natural resources, while NC supports federal units based on economic and geographical factors, and not on communal lines. MPRF envisages a Madhesh province with the right to self-determination.

IV. Integration and rehabilitation

18. After a protracted delay, the Special Committee to supervise, integrate and rehabilitate Maoist army personnel met for the first time on 16 January. The Committee is chaired by the Prime Minister, who, with the Defence Minister, represents UCPN-M on the Committee. The Committee comprises two representatives each from UCPN-M, UML, MPRF and NC. The Committee adopted its terms of reference on 5 February, according to which its duties and responsibilities include assessing the conditions of those Maoist army personnel registered and verified by UNMIN; preparing a basis for their integration and rehabilitation; supervising, controlling and giving directions in matters of Maoist army personnel and stored arms inside and outside the cantonments until integration and rehabilitation are completed; and submitting to the Government a list of those who choose integration as well as drafting a rehabilitation programme for those who are unwilling or unable to integrate. The terms of reference also include establishing

an expert Technical Committee to support the Special Committee and drawing up a workplan for completing the integration and rehabilitation of the verified Maoist army personnel within six months. The Prime Minister has reiterated the need for technical support by the United Nations and other international partners for the work of the Special Committee, as well as for the discharge and rehabilitation of the disqualified Maoist army personnel.

19. On 12 February the Prime Minister instructed the Maoist army to abide by decisions of the Special Committee, under whose supervision they would now fall, in accordance with the Interim Constitution. The Technical Committee to support the Special Committee was established on 27 March: like the Special Committee, it is composed of eight persons, two nominated by each of four parties. They include two retired senior Nepal Army officers, a former senior Nepal police officer, a former Maoist army commander and other security experts. The Technical Committee is mandated to work in two phases, the first of which includes conducting a survey within the cantonments to assess the choices of the verified Maoist army personnel, and to study international experiences. In the second phase they are to determine the modalities of integration and rehabilitation packages and to present a final report to the Special Committee. The Technical Committee has been meeting regularly and, after an initial briefing by UNMIN on the work of the Mission and an overview of the cantonments, visited Maoist army cantonment sites at Nawalparasi on 8 April, and Ilam on 17 April.

V. Discharge of the disqualified Maoist army personnel

20. On 11 February, the Special Committee requested the Government to proceed with the discharge from the cantonments and rehabilitation of the 4,008 Maoist army personnel who were disqualified during the UNMIN verification process, including the 2,973 who were minors in May 2006. The Ministry of Peace and Reconstruction has primary responsibility for implementing the long-delayed discharge process. There has been some progress in this regard with the resumption of discussions between the Ministry and the United Nations on the modalities of discharge and possible United Nations support. The Ministry, with the technical support of the United Nations, has designed and will conduct a survey in the Maoist army cantonments to identify the choices and preferences of disqualified army personnel, including information on the types of support they will seek. The United Nations Development Programme, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund have already developed various support packages that could be provided to those who are discharged.

VI. Other challenges affecting the peace process

21. On 5 January, at a meeting of UCPN-M and UML, it was agreed to reinstate the local village development committees and district development committees, which oversee the use of State funds for local service delivery. However, there is no agreement on a system for apportioning leadership positions, and some parties, notably NC and TMDP, are calling for elections to be held.

22. By the end of March, the Government had engaged in an initial round of formal talks with six smaller Tarai armed groups. The larger groups — the Akhil

Tarai Mukti Morcha, led by Jaya Krishna Goit, and the Tarai Janatantrik Mukti Morcha, led by Jwala Singh — did not respond to the Government's offer of dialogue. The Janatantrik Tarai Mukti Morcha-Rajan Mukti announced its withdrawal from talks, citing the Government's failure to implement an earlier six-point agreement. There is some scepticism over the value of the talks. Although the Government has increased its security presence in the Tarai, law and order remains weak, with reports of 80 killings and 28 abductions in the three months since 15 January. The Office for the Coordination of Humanitarian Assistance received reports of 65 attacks using improvised explosive devices from 30 January to 9 April. Following the murder in January of journalist Uma Singh in Janakpur, Dhanusha district, attacks on media houses have continued.

23. Two police posts were attacked, one in February in Pyuthan district, the other, in April, in Surkhet, both areas with traditionally strong Maoist support in the Mid-West region. A number of underground groups have separately claimed responsibility and, during March, the police arrested six alleged perpetrators.

VII. Status of the United Nations Mission in Nepal

24. My Special Representative in Nepal since the establishment of UNMIN in 2006, Ian Martin, left the Mission on 6 February. On 28 January, I informed the Security Council of my intention to appoint Karin Landgren as my Representative in Nepal, and she took up her responsibilities following the departure of Mr. Martin. On 1 April, the Mission was downsized to 275 personnel from the previous authorized strength of 396. Of the 193 civilian personnel in the Mission, 31 per cent are women, including 49 per cent of the substantive staff and 24 per cent of the administrative staff. There are three female arms monitors out of a total of 73, a number subject to the nomination of candidates by Member States. Thirty-one per cent of the national staff are women. The efforts of UNMIN to recruit national staff from traditionally marginalized communities have yielded positive results: 50 per cent (62 out of 124) are from traditionally marginalized groups.

VIII. Activities of the United Nations Mission in Nepal

A. Arms monitoring

25. The Arms Monitoring Office continued to monitor the compliance of the Nepal Army and the Maoist army with the Agreement on Monitoring the Management of Arms and Armies. Arms monitors continue to maintain round-the-clock surveillance of the Nepal Army weapons storage site, and the weapons storage areas at the seven main cantonment sites of the Maoist army, from which they also visit the satellite cantonment sites. Other operations are conducted by mobile teams from the headquarters of the Arms Monitoring Office in Kathmandu.

26. The Joint Monitoring Coordination Committee continued to meet under the chairmanship of the Chief Arms Monitor, and the senior officers representing the Nepal Army and the Maoist army have continued to cooperate closely on decision-making, exchange of information, confidence-building measures and resolution of disputes. By 20 April, the Joint Monitoring Coordination Committee had held 96 meetings since it first convened in December 2006. During the

reporting period, the Committee considered six alleged violations of the Agreement on Monitoring the Management of Arms and Armies, of which two were substantiated as violations, three were not substantiated and one awaits further clarification.

27. At the request of the Ministry of Peace and Reconstruction, arms monitors witnessed further salary payments to eligible Maoist army personnel at the cantonment sites. Their salaries were raised from Nr 3,000 to Nr 5,000 from September 2008 and, during the recent salary payment for the months of February and March, each combatant received Nr 18,000, which included the increase, retroactive to September.

B. Child protection

28. The Child Protection Section has continued to work with UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Nepal and the members of the Nepal task force on children and armed conflict. This included work related to preparation for the anticipated discharge from cantonments of Maoist army personnel disqualified as minors. The Section has also continued to work with the inter-agency discharge and rehabilitation task force and the cantonment conditions task force chaired by UNMIN.

C. Political affairs

29. As UNMIN downsized, liaison teams consisting of three national officers each and based in Biratnagar, Kathmandu and Nepalgunj, and their headquarters support unit, completed their assignments on 30 January. The Political Affairs Office continued to monitor and analyse the political situation in the country, including through field visits to the regions, and to assist the Mission leadership in its efforts to support the peace process. Political affairs officers met regularly with stakeholders, including Government officials, representatives of political parties and civil society organizations, as well as regional and international actors. The activities of small militant groups, both armed and unarmed, and their potential to disrupt the peace process were monitored, as were relations among the political parties and the evolving role in the peace process of traditionally marginalized groups. The Office continued to assess the status of implementation of the Comprehensive Peace Agreement, as well as other relevant agreements, and monitored proceedings of the Constituent Assembly.

D. Public information

30. The national media gave extensive coverage to the controversy over the recruitment of some 3,000 personnel by the Nepal Army, the recruitment drive by the Maoist army, and the resulting tensions between the Ministry of Defence, the Government and the Nepal Army. The Supreme Court proceedings relating to recruitment by both armies were followed closely, as was the Government's decision not to extend the tenure of service of eight Nepal Army brigadier generals and their subsequent challenge of that decision in the Supreme Court.

31. Steps taken by the Special Committee including its request to the Government to proceed with the discharge of the disqualified Maoist army personnel were well reported. The UML General Convention in February including the closely contested election for the position of Chairperson and elections for other senior leadership positions, was widely covered, and the participation of some 1,800 delegates was lauded by many as a welcome step by the party to improve democratic practice.

32. The appointment of chairpersons of the 24 committees of the Constituent Assembly and Legislature-Parliament was also reported, special attention being paid to the appointment of the UML leader Madhav Kumar Nepal as Chairperson of the core Constitutional Committee. The media was generally sceptical about the consultative exercise undertaken by teams of Constituent Assembly members to the 75 districts countrywide to solicit public views on the constitution, highlighting the length and complexity of the questionnaires, and uncertainty over the utilization of the information gathered, given the time constraints for compiling it.

33. The attacks against journalists and several media houses elicited an extensive campaign by media personnel demanding security and an end to impunity. The disruption of daily life in the Tarai by strikes, and agreements reached between the Government and Tharu groups, the Muslim community, and the Tarai armed groups, received wide media coverage.

34. The President of Sri Lanka, Mahinda Rajapaksa, the then Foreign Secretary of India, Shiv Shankar Menon and the Assistant Foreign Minister of China, Hu Zhengyue, visited Nepal and discussed bilateral cooperation issues. The Prime Minister visited Norway and Finland from 28 March to 4 April; bilateral relations and support for exploiting renewable energy sources in Nepal such as hydropower and wind power as the focus of discussions.

E. Safety and security

35. The security situation in the country remained relatively calm and stable. An improvised explosive device detonated at the entrance gate of the OHCHR Nepal office at Nepalgunj, on the night of 13 February, at a time when no staff members were on the premises. A previously unknown Hindu fundamentalist group claimed responsibility for the incident, which did not appear to be directed at the United Nations or at harming its staff but rather at drawing attention to the group's existence and objectives. There were disruptions to UNMIN and United Nations country team programmes, owing to the two-week protest in mid-March by the Tharus and other indigenous groups across the Tarai. The daily electricity cuts of up to 16 hours have had security and safety implications for both the local population and United Nations staff, particularly night-time burglaries and robberies. The threat level was considered low with no direct or indirect threat affecting the safety and security of personnel and property during the reporting period. The UNMIN Safety and Security Section maintained close coordination with the Department of Safety and Security of the Secretariat.

IX. Mission support

36. The mission support component has continued to support UNMIN activities effectively throughout the Mission area, priority being given to the cantonment sites. The continued presence of arms monitors at the seven main Maoist army cantonment sites and their conduct of mobile patrolling entail a wide geographical dispersion of UNMIN personnel. Consequently, communications and air transport resources continue to be required to provide the necessary logistics support, security and medical linkages between Kathmandu and the remote deployment locations of arms monitors.

37. The mission support component continued to consolidate and reduce personnel, infrastructure and material resources within the Mission. The Office of Mission Support was reduced from 210 staff in January to 143 staff as from 1 April. During the reporting period, the regional presences in Biratnagar and Nepalgunj were removed, leases of former Kathmandu offices were terminated and part of the International Conference Centre that UNMIN had been occupying was returned to the Government. Disposal of surplus assets continues: equipment is being sent to other United Nations peace operations or disposed of locally. Additional consignments and disposal action will be completed in conjunction with any further downsizing or liquidation activity in mid-2009. This phased reduction will substantially minimize the final liquidation phase. The contract for one fixed-wing asset was not extended, leaving the Mission with one helicopter for air support.

38. Memorials to commemorate the tragic deaths of 10 UNMIN staff members and 3 crew members in the helicopter crash of 3 March 2008 were held at United Nations House in Kathmandu and in Bhwonsa, the village near the crash site, on 3 and 6 March, respectively. Memorials in honour of the deceased were erected at United Nations House and at Bhwonsa.

X. Human rights

39. During her visit to Nepal from 18 to 22 March, the United Nations High Commissioner for Human Rights, Navanethem Pillay, met with the President, Ram Baran Yadav; the Prime Minister, Pushpa Kamal Dahal "Prachanda"; the Foreign Minister, Upendra Yadav; and the Minister for Peace and Reconstruction, Janardan Sharma; political party leaders, the National Human Rights Commission, civil society organizations and others. As in her report on the human rights situation and the activities of her office, including technical cooperation, in Nepal, to the Human Rights Council on 27 March, she welcomed improvements in the human rights situation since the end of the conflict, as well as the recent steps taken by the Government to establish transitional justice mechanisms. However, the High Commissioner noted that the general climate of impunity for human rights violations committed during and since the conflict remains one of the main human rights concerns. These concerns have been reflected in public discussion and media coverage, in which a lack of accountability has been highlighted as potentially jeopardizing the success of the peace process. The High Commissioner also discussed with the Government and political party leaders the renewal of the mandate of OHCHR Nepal, which expires in June. She received indications of support from the Prime Minister and leaders of the main political parties but a formal agreement remains pending.

40. On 10 February, in a step towards establishing transitional justice mechanisms, President Yadav promulgated the Disappearance (Crime and Punishment) Ordinance, which criminalizes enforced disappearances and provides a framework for the establishment of a Commission of Inquiry on Disappearances. Civil society groups and political parties criticized the issuance of the Ordinance, saying that a bill should have been submitted to the Legislature-Parliament before it was prorogued on 19 January, and pointing out serious weaknesses in several provisions. These include a "reverse" burden of proof (which lies with the accused), disappearances defined in a manner inconsistent with international law, a short limitations period that would restrict the opportunities for victims to seek redress in court, and weak penalties that do not reflect the severity of offences. Furthermore, the Ordinance lacks a transparent process for selecting commissioners, leaving it vulnerable to political manipulation. The Government is expected to submit a bill to the Legislature-Parliament at its current session.

41. The Ministry of Peace and Reconstruction conducted consultations in all five regions on the draft bill establishing a Truth and Reconciliation Commission, with the participation of victims of the conflict and other interested parties, who commented on the legislation and communicated their needs and expectations regarding the proposed mechanism. OHCHR Nepal cooperated closely with the Ministry on the programme of these consultations at the latter's request. The Ministry is considering organizing further thematic and district-level consultations and has requested the support of OHCHR.

42. These positive developments with regard to establishing transitional justice mechanisms follow a series of public commitments by the Government to tackle impunity. Significant progress towards judicial accountability has yet to be observed, however. For example, a serving army officer, charged together with three other army personnel in the torture and death of 15-year-old Maina Sunuwar in February 2004 at the Birendra Peace Operations Training Centre in Panchkal, about 20 kilometres from Kathmandu, has been promoted to a post in the Directorate of Military Intelligence and has so far failed to respond to an arrest warrant issued by a civilian court. Earlier, the four officers were sentenced by court martial on lesser charges and given temporary suspensions. Similarly, one of the main alleged perpetrators of the torture and enforced disappearances documented in the report of OHCHR on conflict-related disappearances in Bardiya district issued on 19 December 2008 has been promoted and continues to serve in the Nepal Army's Directorate of Military Operations in Kathmandu.

43. Progress on investigations by the Nepal police into other politically sensitive cases was also limited. In the case of Ram Hari Shrestha, a businessman allegedly murdered in the main Maoist army cantonment site in Chitwan in May 2008, police efforts to apprehend suspects have been inadequate. At the same time, a prime suspect in the case, Kali Bahadur Kham Magar "Bibidh", continues to serve as the Commander of the Maoist army third division and has, since the killing, become a member of the UCPN-M central committee. On 2 February, the Supreme Court issued a ruling directing the Nepal police to proceed with investigations into the disappearance on 8 October 2003 of five students in Dhanusha district, a case which was taken up with the police by the High Commissioner during her visit.

44. In February, the National Human Rights Commission and OHCHR Nepal signed guidelines for cooperation between the two organizations. These established

a platform for the Commission to assume the leading responsibility for investigating current and new cases of human rights violations with the support of OHCHR. Cooperation between OHCHR and the National Human Rights Commission increased following the signing of the guidelines, including in promotion of economic, social and cultural rights. In this regard, training workshops on human rights indicators, in particular with regard to economic, social and cultural rights, were held for Government officials, the National Human Rights Commission and members of civil society in February.

45. OHCHR has identified protection, promotion and support to human rights defenders, particularly at the local level, as one of the main concerns for its support to civil society, including through the European Union Working Group on Human Rights Defenders. This follows a number of reports of threats to human rights defenders, in addition to threats and attacks on journalists and publishing houses, as noted elsewhere in this report.

46. Progress is noted in the Government's efforts to revise the current National Human Rights Action Plan using rights-based budgeting, linkage to the Millennium Development Goals, and incorporation of relevant human rights indicators. OHCHR supported the Government through the Human Rights Division of the Office of the Prime Minister and Council of Ministers.

47. In the lead-up to the Durban Review Conference, OHCHR supported the participation of non-governmental organizations working on the rights of Dalits, indigenous peoples, sexual minorities, Madheshis and religious minorities. OHCHR facilitated the formation of a Coordination Committee of Nepalese Civil Society and provided technical assistance for the preparation of a common Nepalese civil society report to the Conference reflecting critical areas of discrimination as well as gaps and challenges in the implementation of the Durban Declaration and Programme of Action.

48. OHCHR has continued to rationalize its country office in Nepal. Its support for the strengthening of national institutions, including the National Human Rights Commission and other commissions (for women, Dalits and indigenous peoples), as well as civil society organizations has been reinforced while it also focuses on addressing impunity and supporting transitional justice mechanisms, eliminating unlawful discrimination and enhancing access to social, economic and cultural rights. In carrying out this programme, which contributes substantially to the deepening and consolidation of the peace process, it has reduced its international staffing by more than half while maintaining its field offices. From July, subject to the Government's agreement on a renewal of its mandate, OHCHR will have 24 international and 80 national posts in five locations, a reduction from 177 posts, including 74 internationals, at the end of 2007.

XI. United Nations country team coordination

49. In January, the United Nations country team and international partners released a humanitarian transition appeal for 2009 for $115 million. The appeal focuses on the lifesaving needs of the food insecure population, refugees and the residual caseload from the 2008 floods, and, as of 10 April, was 44 per cent funded, primarily the food assistance component. On 4 March, the Ministry of Home Affairs

requested the United Nations to continue its emergency support to the population displaced by the Koshi flood until at least mid-April 2009.

50. An intensification of strikes and other disturbances in the Tarai during February and March affected the operations of a number of United Nations agencies, funds and programmes, including the delivery of humanitarian assistance to vulnerable populations. Interference with the movement of United Nations vehicles at improvised checkpoints increased during the reporting period. On 8 March, the Resident and Humanitarian Coordinator issued a press statement underlining the critical importance of protecting humanitarian and development space in Nepal, and calling on all groups to allow passage of vehicles, goods and personnel.

51. Following confirmation of outbreaks of avian influenza in Jhapa district, East region, on 16 January and 20 February, the United Nations country team supported Government efforts to control the outbreak. Similarly, given the high vulnerability of Nepal to natural disasters, the United Nations country team continued supporting the Government's preparedness efforts. In this regard, support continued for the Government-led exercise of the International Search and Rescue Advisory Group, carried out in Nepal from 22 to 24 April.

52. Since the departure of my Special Representative in February, changes have been made to arrangements for the oversight and management of the United Nations Peace Fund for Nepal. The Resident and Humanitarian Coordinator is now the Chairperson of the Executive Committee of the Fund, while my Representative in Nepal serves as Vice-Chairperson. The Fund continues to support key aspects of the peace process, including a programme for the discharge and reintegration of disqualified Maoist army personnel, and a new programme for youth employment in selected districts. The Fund remains a flexible and efficient tool for the United Nations to provide assistance for the consolidation of peace in Nepal, and I encourage Member States to continue their support.

53. The landmine menace remains a tragic legacy of the conflict in Nepal, but there has been a significant reduction in casualties. Mine action is a key activity supported by the United Nations Peace Fund for Nepal. Since January, 11 civilians, including 9 children, have been severely injured or have died as a result of victim-activated explosions. During the reporting period, the United Nations mine action team supported the clearance of an additional three minefields, bringing the number of cleared minefields to 8, out of a total of 53. A national network of over 400 Government, Red Cross and non-governmental organization focal points has been established for mine awareness and response, and some 1,000 schools are to be provided with training and mine-risk education materials. However, the provision of maps and sketches by the Government, as required by the Comprehensive Peace Agreement, has been only partially met, and I urge the Government to fulfil all commitments in this respect.

54. The Government is preparing for the National Development Forum scheduled for mid-May. The Forum will provide an opportunity for the Government to present a new two-year development strategy to the international community, and to solicit new pledges from donors to support the Government's capital investment budget. A series of regional consultations are being organized in April to determine the priorities of the new strategy, and donors are engaging with the Government to advise on strategic direction, with a particular focus on the linkages between development and the peace process. The United Nations country team has offered to

provide technical advice to relevant Ministries and the National Planning Commission, as requested. In order to keep in line with Government planning processes, the United Nations country team has requested approval from the Government for a two-year extension, until 2012, of its United Nations Development Assistance Framework.

XII. Observations

55. Recent developments, namely progress on major components of the peace process related to the drafting of the constitution and discussions on the future of the two armies, give me cause for some optimism. Planning for the discharge of the disqualified Maoist army personnel has moved forward at a brisk pace since late March, and the implementation of a well-thought-out plan will fulfil, if belatedly, commitments parties made in the peace process and to the United Nations. The scheduled weekly meetings of the Special Committee, and the establishment of its Technical Committee, both of which include representatives of the main opposition party, the Nepali Congress, are encouraging signs of determination to address the difficult issue of the integration and rehabilitation of Maoist army personnel, and signal the parties' ability to move forward constructively. I commend these steps and encourage all concerned to sustain this momentum without further delays.

56. The Government has pledged to complete the integration and rehabilitation process by 15 July. I am encouraged by the serious work that has begun in recent weeks, and hope that it will lead to concrete measures without further loss of time. Recognizing the complexity of the required actions, however, it may not be realistic to expect completion within the next three months.

57. The Prime Minister has requested UNMIN support to the Special and Technical Committees, whose efforts will be critical to the role of UNMIN in supporting the peace process. Further to the findings of the advisory team which visited UNMIN in December 2008, through the Mediation Support Unit of the Department of Political Affairs, UNMIN is working closely with the Ministry of Peace and Reconstruction and the Technical Committee to determine the technical and logistical requirements to support their work in the coming weeks. UNMIN has provided support to the Technical Committee to help facilitate visits to cantonment sites.

58. At the end of the previous mandate in January, UNMIN reduced its staff to a minimal level. Nepali parties have repeatedly indicated to the United Nations that UNMIN arms monitors will continue to be needed to perform their current duties until the issue of the integration and rehabilitation of Maoist army personnel is resolved. The international community remains committed to supporting the process on which Nepal has embarked for the consolidation of peace and improvement of the lives of its people.

59. Continuing political challenges such as the controversial decisions taken by the UCPN-M-led Government and the Nepal Army related to army personnel, and frequent acrimony among senior political leaders, have strained relations, contributing to an atmosphere of mistrust which may hinder all parties from moving forward on integration and rehabilitation modalities. The spirit of cooperation that is required to advance the peace process needs to be invigorated. Numerous agreements between the Government and other parties or groups have yet to be

implemented. The challenges of addressing the demands of numerous identity-based groups in the forthcoming constitution and the debate in the coming months over federalism will require consistent and positive engagement by senior leaders across the political spectrum. I reiterate the need for all leaders to work actively to generate public confidence, and a shared sense of national unity and purpose, in Nepal's peace process.

60. The by-elections of 10 April were conducted in a largely peaceful and orderly atmosphere. However, serious threats to law and order remain. Few leaders have spoken out forcefully against acts of violence and vandalism by supporters of their groups or parties, and a lack of accountability for even the most serious human rights abuses committed during and after the conflict remains the norm. Significant violence is attributed to youth groups affiliated with political parties, undertaking self-appointed policing roles. In this regard, it is noteworthy that a recent agreement between two members of the governing coalition, UCPN-M and UML, includes the pledge to "discourage acts of mutual vengeance".

61. In my report of 18 October 2007 to the Council (S/2007/612), I noted that "a prolonged stay in cantonments of thousands of mainly young people living under difficult conditions and lacking clarity about their future is not a sustainable solution". Well-planned rehabilitation of Maoist army personnel and their integration into society or the security forces will be essential to future stability. The peace agreements and Interim Constitution foresaw a parallel process of army democratization. It is encouraging to note the recent reactivation of the National Security Council, which will play an important role in determining the future security policy for Nepal together with the size and shape of the security sector. The deliberations of the National Security Council should also influence the direction of the integration process.

62. Given the centrality of human rights in the peace process and prevailing concerns, in particular about persisting impunity, I remain convinced that the OHCHR Nepal office can continue to play an important and positive role, not only in helping to build the capacity of national institutions to protect and promote human rights, but in maintaining the confidence of all stakeholders in the peace process.

63. I would like to convey my appreciation to the Security Council and other Member States for their continued support to Nepal. I would also like to thank my Representative, Karin Landgren, her staff and their partner organizations within and outside the United Nations system for their dedicated efforts.

United Nations S/2009/222

Security Council

Distr.: General
24 April 2009

Original: English

Letter dated 24 April 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1718 (2006), I have the honour to transmit herewith the report of the Committee dated 24 April 2009, submitted in accordance with the presidential statement of 13 April 2009 (S/PRST/2009/7) (see annex).

(*Signed*) Baki **İlkin**
Chairman
Security Council Committee established
pursuant to resolution 1718 (2006)

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Annex

Report of the Security Council Committee established pursuant to resolution 1718 (2006) prepared in accordance with the presidential statement of 13 April 2009 (S/PRST/2009/7)

In a presidential statement of 13 April 2009, the Security Council agreed to adjust the measures imposed by paragraph 8 of its resolution 1718 (2006) through the designation of entities and goods, and directed the Committee established pursuant to the same resolution to undertake its tasks to that effect and to report to the Council by 24 April 2009.

Pursuant to the aforementioned presidential statement, the Committee adopted, on 24 April 2009, the decision attached to the present report (see enclosure).

The Committee will continue to undertake its tasks as mandated in paragraph 12 of resolution 1718 (2006).

Enclosure

Decision of the Security Council Committee established pursuant to resolution 1718 (2006)

For the purpose of implementing resolution 1718 (2006):

Goods

The Committee determines that the items listed in document S/2009/205 shall be subject to the measures imposed in paragraphs 8 (a), (b) and (c) of resolution 1718 (2006).

Entities

The Committee designates the following entities to be subject to the provisions of and the measures imposed in paragraph 8 (d) of resolution 1718 (2006):

1. **Korea Mining Development Trading Corporation** (also known as Changgwang Sinyong Corporation; also known as External Technology General Corporation; also known as DPRKN Mining Development Trading Cooperation; also known as "KOMID"). Central District, Pyongyang, Democratic People's Republic of Korea. Primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

2. **Korea Ryonbong General Corporation** (also known as Korea Yonbong General Corporation; formerly known as Lyongaksan General Trading Corporation). Pot'onggang District, Pyongyang, Democratic People's Republic of Korea; Rakwon-dong, Pothonggang District, Pyongyang, Democratic People's Republic of Korea. Defence conglomerate specializing in acquisition for defence industries of the Democratic People's Republic of Korea and support to that country's military-related sales.

3. **Tanchon Commercial Bank** (formerly known as Changgwang Credit Bank; formerly known as, Korea Changgwang Credit Bank). Saemul l-Dong Pyongchon District, Pyongyang, Democratic People's Republic of Korea. Main financial entity of the Democratic People's Republic of Korea for sales of conventional arms, ballistic missiles and goods related to the assembly and manufacture of such weapons.

United Nations S/2009/223

Security Council

Distr.: General
29 April 2009

Original: English

Report by the Secretary-General concerning the credentials of the alternate representative of Costa Rica on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 27 April 2009 from the Permanent Representative of Costa Rica to the United Nations stating that Jairo Hernández has been appointed alternate representative of Costa Rica on the Security Council.

In the opinion of the Secretary-General, that letter constitutes adequate provisional credentials.

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United Nations S/2009/224

Security Council

Distr.: General
30 April 2009

Original: English

France, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions on Western Sahara,

Reaffirming its strong support for the efforts of the Secretary-General and his Personal Envoy to implement resolutions 1754 (2007), 1783 (2007) and 1813 (2008),

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and *noting* the role and responsibilities of the parties in this respect,

Reiterating its call upon the parties and States of the region to continue to cooperate fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution,

Taking note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and *welcoming* serious and credible Moroccan efforts to move the process forward towards resolution; also *taking note* of the Polisario Front proposal presented 10 April 2007 to the Secretary-General,

Taking note of the four rounds of negotiations held under the auspices of the Secretary-General, and *welcoming* the progress made by the parties to enter into direct negotiations,

Stressing the importance of making progress on the human dimension of the conflict as a means to promote transparency and mutual confidence through constructive dialogue and humanitarian confidence-building measures,

Welcoming in this context the agreement of the parties expressed in the Communiqué of the Personal Envoy of the Secretary-General for Western Sahara of 18 March 2008 to explore the establishment of family visits by land, which would be in addition to the existing programme by air, and encouraging them to do so in cooperation with the United Nations High Commissioner for Refugees,

Welcoming the commitment of the parties to continue the process of negotiations through United Nations-sponsored talks,

Noting the Secretary-General's view that the consolidation of the status quo is not an acceptable outcome of the current process of negotiations, and *noting further*

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that progress in the negotiations will have a positive impact on the quality of life of the people of Western Sahara in all its aspects,

Welcoming the appointment of the Secretary-General's Personal Envoy for Western Sahara Ambassador Christopher Ross, and also *welcoming* his recent visit to the region and ongoing consultations with the parties,

Having considered the report of the Secretary-General of 13 April 2009 (S/2009/200),

1. *Reaffirms* the need for full respect of the military agreements reached with the United Nations Mission for the Referendum in Western Sahara (MINURSO) with regard to the ceasefire;

2. *Welcomes* the parties' agreement with the Personal Envoy's suggestion to hold small, informal talks in preparation for a fifth round of negotiations, and *recalls* its endorsement of the previous report's recommendation that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations;

3. *Calls* upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007) and 1813 (2008) and the success of negotiations; and *affirms* its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context;

4. *Calls* upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect;

5. *Invites* Member States to lend appropriate assistance to these talks;

6. *Requests* the Secretary-General to keep the Security Council informed on a regular basis on the status and progress of these negotiations under his auspices and expresses its intention to meet to receive and discuss his report;

7. *Requests* the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;

8. *Urges* Member States to provide voluntary contributions to fund confidence-building measures that allow for increased contact between separated family members, especially family visits, as well as for other confidence-building measures that may be agreed between parties;

9. *Decides* to extend the mandate of MINURSO until 30 April 2010;

10. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including pre-deployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

11. *Decides* to remain seized of the matter.

United Nations S/2009/225

Security Council

Distr.: General
30 April 2009

Original: English

United States of America: draft resolution

The Security Council,

Recalling all its resolutions and presidential statements concerning the situation in the Sudan,

Reaffirming its previous resolutions 1674 (2006) on the protection of civilians in armed conflict, which reaffirms, inter alia, the relevant provisions of the United Nations World Summit outcome document, 1612 (2005) on children in armed conflict, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1325 (2000) and 1820 (2008) on women, peace, and security,

Taking note of the report of the Secretary-General on Sudan dated January 30, 2009 (S/2009/61), the report on Children and Armed Conflict in Sudan dated February 10, 2009 (S/2009/84), including his recommendations, and taking note of the report on Children and Armed Conflict in the Sudan (S/2007/520) dated 29 August 2007, and recalling the conclusions endorsed by the Security Council Working Group on Children and Armed Conflict in the Sudan S/AC.51/2008/7,

Reaffirming its commitment to the sovereignty, unity, independence, and territorial integrity of the Sudan and to the cause of peace throughout the region,

Commending the work of the United Nations Mission in Sudan (UNMIS) in support of the Comprehensive Peace Agreement (CPA), and commending the continuing commitment by troop and police contributing countries in support of this mission,

Stressing its firm commitment to the cause of peace and stability throughout Sudan and the region, *noting* the importance of the full implementation of the Comprehensive Peace Agreement of January 9, 2005 and *recognizing* that the CPA has reached a critical stage,

Encouraging all parties to continue to take positive action in order to consolidate and build upon the achievements since 2005 and reaffirming UNMIS' invaluable support for these efforts,

Condemning all acts and forms of violence perpetrated by any party that prevent or hinder peace and stability in Sudan and the region, and deploring its effect in particular on women and children,

Stressing the importance of providing humanitarian assistance to the civilian populations throughout Sudan, in particular in the Three Areas after the events of

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March 4 and 5 2009, and for implementation of the CPA, and *taking note* of the joint assessment being conducted in the Three Areas and the need for continued cooperation between the Government of Sudan, the United Nations and humanitarian organizations,

Commending the continuing work of the Assessment and Evaluation Commission (AEC),

Recalling the commitment of the international community to support the CPA process, including through development assistance, and urging donors to support implementation of the CPA and to honour all pledges of financial and material support,

Recalling the importance of free and fair elections, including the planned national elections, for national reconciliation, consolidation of democracy, and the restoration of peace and stability,

Noting with deep concern the inability to reach agreement on the funding of the Abyei Interim Administration thereby preventing it from reducing political instability and insecurity in the Abyei region,

Welcoming increased cooperation among UNMIS, the United Nations Mission in the Democratic Republic of the Congo (MONUC), the United Nations Mission in Darfur (UNAMID), and the United Nations Mission in the Central African Republic and Chad (MINURCAT), and looking forward to the sharing of information among them to help counter regional threats such as the LRA,

Determining that the situation in the Sudan continues to constitute a threat to international peace and security,

1. *Decides* to extend the mandate of UNMIS until April 30, 2010, with the intention to renew it for further periods as may be required;

2. *Requests* the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS, progress on implementation of the CPA, and respect for the ceasefire, and to provide an assessment and recommendations on measures UNMIS might take to further support elections and advance the peace process;

3. *Welcomes* the military capability review conducted into UNMIS' deployment, stresses the importance of appropriate and flexible deployment of UNMIS in order to address the most likely points of conflict, in particular in areas where civilians are under threat of violence, and requests regular reviews of deployment and implementation of recommendations to ensure that the force is best placed to support the implementation of the CPA;

4. *Stresses* the importance of full, and expeditious implementation of all elements of the CPA, implementation of the Abyei Roadmap, agreements on Darfur, and the October 2006 Eastern Sudan Peace Agreement, and calls upon all parties to respect and abide by their commitments to these agreements without delay;

5. *Welcomes* the parties' sustained commitment to work together in the Government of National Unity (GNU) and urges the continued cooperation of the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) in carrying out their responsibilities in further implementing the CPA;

6. *Stresses* the critical role of the AEC in overseeing and reporting on implementation of the CPA; and urges all parties to cooperate fully with the AEC and implement its recommendations;

7. *Calls for* all parties to cooperate with full and unrestricted access to UNMIS in monitoring and verification of the Abyei region, without prejudice to the final agreement on the Abyei boundaries, and urges UNMIS, consistent with its current mandate and within its means and capabilities, to consult with the parties, and to deploy, as appropriate, sufficient personnel to the Abyei region to improve conflict prevention efforts and security to the civilian population;

8. *Welcomes* the parties agreement to submit the Abyei boundary dispute to the Abyei Arbitration Tribunal at the Permanent Court of Arbitration for resolution; *calls upon* the parties to abide by and implement the Tribunal's decision on the final settlement of the Abyei boundary dispute; urges the parties to reach agreement on providing the funding of the Interim Administration in accordance with the CPA; and urges all parties to redeploy their military forces away from the disputed 1 January 1956 border;

9. *Welcomes* the completion of the enumeration phase and technical analysis of the national census; expresses concern about the delay in announcing the results; and *urges* the parties to reach agreement expeditiously on the 2008 national census results in a way that does not increase tensions;

10. *Urges* all Sudanese parties to continue to demonstrate their full commitment to the democratic process by preparing expeditiously for the conduct of peaceful, transparent, and credible elections in February 2010 as recommended by the NEC;

11. *Requests* UNMIS, consistent with its mandate and within its current capabilities, to support the NEC in preparing for credible national elections, including through provision of assistance and advice, as required, with security preparations and coordinating United Nations election support efforts in close collaboration with UNDP, and ensuring that UNMIS' efforts are complementary to those of the international community and the parties to the CPA, and urges the international community to provide technical and material assistance, including electoral observation capacity as requested by the GNU, to support credible elections;

12. *Recalls* the CPA's provision for referenda, including the parties' responsibility to pursue efforts to make unity attractive, and reaffirming UNMIS' support for these efforts, requests that UNMIS be prepared to provide assistance to the parties, if requested, to support preparations for a Referendum in 2011;

13. *Expresses its concern* for the health and welfare of the civilian populations in Sudan; calls upon the parties to the CPA and the communiqué signed between the United Nations and the GNU in Khartoum on 28 March 2007 to support, protect and facilitate all humanitarian operations and personnel in the Sudan; and urges the Government of Sudan to continue working with the United Nations to support the three track approach delineated by the Secretary-General to ensure continuity of humanitarian assistance;

14. *Requests* UNMIS to make full use of its current mandate and capabilities to provide security to the civilian population, humanitarian and development actors

and United Nations personnel under imminent threat of violence as stated in resolution 1590 (2005), stresses that this mandate includes the protection of refugees, displaced persons and returnees, and emphasizes in particular the need for UNMIS to make full use of its current mandate and capabilities with regard to the activities of militias and armed groups such as the Lord's Resistance Army in Sudan, as stated in resolution 1663 (2006);

15. *Deplores* the persistent localized conflict and violence and its effect on civilians, especially within Southern Sudan, and the continuing potential for violence and calls upon UNMIS to strengthen its conflict management capacity by completing as soon as possible its integrated strategy to support local tribal conflict resolution mechanisms in order to maximize protection of civilians; welcomes the development of a comprehensive strategy on the protection of civilians and encourages UNMIS to continue and complete its work on the strategy in a timely manner; and calls again upon UNMIS, consistent with its current mandate and capabilities, to proactively conduct patrols in areas at high risk of localized conflict;

16. *Notes* that conflict in one area of Sudan affects conflict in other areas of Sudan and in the region, and therefore urges UNMIS, consistent with its current mandate, to cooperate closely with all United Nations entities operating in the region, including the African Union-United Nations Joint Mediation Support Team and other stakeholders, so that implementation of these bodies' mandates supports the overall objective of peace in Sudan and the region;

17. *Requests* UNMIS, acting within its current mandate and within its current means and capabilities, to provide technical and logistical support to the Technical ad hoc Border Committee, as requested, to help the parties urgently conclude the process of demarcation of the 1956 North/South border, in accordance with the CPA;

18. *Stresses* the important role of the JIUs for the full implementation of the CPA, calls upon the Joint Defense Board to exercise command, control and management of the JIUs; requests UNMIS to explore ways to support Sudanese efforts to build JIU capabilities, and urges donors to offer support, both materiel and training, coordinated by UNMIS in consultation with the Joint Defense Board, to enable the full establishment and operational effectiveness of JIUs and JIPUs as soon as possible;

19. *Encourages* UNMIS, consistent with its mandate, and within authorized levels of civilian police, to continue efforts to assist the parties to the CPA in promoting the rule of law, restructuring the police and corrections services throughout Sudan, assisting in the training of civilian police and corrections officers;

20. *Encourages* the parties to undertake a prioritized roll-out of disarmament, demobilization, and reintegration (DDR) in all states, and requests UNMIS to work closely with the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) to assist in voluntary disarmament and weapons collection and destruction efforts in implementation of DDR under the CPA;

21. *Further* urges donors to respond to calls for assistance to the DDR process, in particular the reintegration phase, and calls on donors to honour their obligations and pledges made at the Oslo Donors' Conferences of 2005 and 2008;

22. *Requests* UNMIS, consistent with its mandate and in coordination with the relevant parties and taking into account the need to pay particular attention to the protection, release and reintegration of children recruited to and participating with armed forces and armed groups, to increase its support for the National DDR Coordination Council and the Northern and Southern DDR Commissions with special emphasis on reintegrating such children with their families, and to monitor the reintegration process;

23. *Welcomes* the continuing organized return of internally displaced persons and refugees to the Three Areas and southern Sudan, and encourages the promotion of efforts, including the provision of necessary resources to the Office of the United Nations High Commissioner for Refugees and implementing partners, to ensure that such returns are voluntary and sustainable; and requests UNMIS, within its current mandate, capabilities and areas of deployment, to coordinate with partners to facilitate sustainable returns, including by helping to establish and maintain the necessary security conditions;

24. *Calls upon* the GNU to cooperate fully with all the United Nations operations within its territory in the implementation of their mandates;

25. *Reiterates* its concern over the restrictions and impediments placed on UNMIS personnel and materiel, and the adverse impact such restrictions and impediments have on UNMIS' ability to perform its mandate effectively and on the ability of the humanitarian community to reach affected persons; and calls in this regard for all parties to cooperate fully with UNMIS and to facilitate the performance of its mandate, and to abide by their obligations under international humanitarian law;

26. *Stresses* the importance of achievable and realistic targets against which the progress of United Nations peacekeeping operations can be measured; in this regard, requests the Secretary-General to develop benchmarks for measuring and tracking progress in the implementation of UNMIS mandate; further requests the Secretary- General to include in his next quarterly report an assessment of progress made against these benchmarks, as well as any consequent recommendations regarding UNMIS' configuration;

27. *Underscores* the importance that the military concept of operations and rules of engagement be regularly updated and be fully in line with the provisions of the UNMIS mandate under relevant Security Council resolutions, requests the Secretary-General to report on them to the Security Council and Troop Contributing Countries, and to provide the Security Council, with the same regularity as referred to in paragraph 2, with a specific update on the security situation;

28. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance by UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council fully informed, and urges troop contributing countries to take appropriate preventive action including redeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

29. *Decides* to remain actively seized of this matter.

United Nations S/2009/226

Security Council

Distr.: General
1 May 2009

Original: English

Letter dated 30 April 2009 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

I am pleased to provide my first report as the President of the Governing Council on the results of the Governing Council's sixty-seventh session, which was held at Geneva on 28 and 29 April 2009.

During the opening plenary meeting .ustria was elected as the President and Japan was elected as a Vice-President, joining Costa Rica, the other Vice-President.

During the session, the Council considered a number of reports and information notes prepared by the secretariat on the activities of the Commission since the last session; distribution by Governments and international organizations of payments to successful claimants; the transparency of the distribution process; and the return of undistributed funds.

The complete text of all the conclusions adopted by the Governing Council as well as a decision taken by the Council regarding the withholding and administration of funds under decision 258 (2005) will be sent by mail together with the documents of the session. I would, however, like to highlight a few issues that were discussed during the session. The first relates to the level of Iraq's contribution to the Compensation Fund. You will recall that, at its sixty-fifth session, and also at its sixty-sixth session, the Council welcomed the willingness of the Governments of both Iraq and Kuwait to commence consultations under the auspices of the Compensation Commission to discuss the approximately $24 billion in unpaid awards that will remain outstanding after the payment of the environmental awards. The Governing Council noted its disappointment that the consultations had yet to take place in spite of the efforts of the secretariat, including the letter addressed to the Prime Minister of Iraq dated 9 February 2009. However, the Council expressed its cautious optimism for progress in the light of the statement made by the delegation from Kuwait confirming its continued willingness to enter into discussions with Iraq and the statement made by the delegation from Iraq at the opening plenary meeting that the Government of Iraq had mandated a delegation headed by Mohammed Hammoud Bedan, Iraqi Vice-Minister for Foreign Affairs, to commence negotiations with Kuwait under the auspices of the Compensation Commission and to make arrangements at this session for the initial meeting. At the closing plenary meeting, the Executive Head of the secretariat advised the Council that the delegations from Kuwait and Iraq have agreed to meet at Geneva on 20 May

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2009. Copies of the statements by Kuwait and Iraq are being sent by mail with the original of this letter.

The Council also noted that the secretariat has been working closely with the Department of Political Affairs of the United Nations Secretariat in the preparation of the Secretary-General's report under Security Council resolution 1859 (2008), given the potential impact of that report on the work of the Commission. The Council requested that the secretariat convey to the Secretary-General the positive statement by the Vice-Minister and his subsequent commitment to meeting at Geneva on 20 May 2009 for discussions with Kuwait under the auspices of the Compensation Commission. In that regard, the Executive Head will provide the Secretary-General with updates on any discussions held prior to the submission of his report to the Security Council.

On the issue of arrangements for ensuring that payments are made to the Compensation Fund, the Council noted that the mandate of the International Advisory and Monitoring Board is set to expire at the end of 2009, the Iraq Committee of Financial Experts assuming responsibility for oversight of Iraqi oil export revenues. As the Governing Council is responsible for the determination of the level and manner of Iraq's contribution to the Fund, it has requested that the secretariat continue to engage in consultations with the Committee and the Controller, to ensure that the current arrangements continue following the transfer of the oversight function from the Board to the Committee and, further, to ensure that the Governing Council is given notice of any proposed changes so that it has sufficient time to consider alternative arrangements.

With respect to the Follow-up Programme for Environmental Awards established pursuant to decision 258 (2005) to monitor the financial and technical implementation of environmental projects being undertaken by Iran (Islamic Republic of), Jordan, Kuwait and Saudi Arabia with funds awarded under the F4 category of claims, the Council heard a briefing by the secretariat on the status of the Programme in respect of each of the participating Governments. Recalling the two withholding mechanisms established under decision 258, the Governing Council adopted decision 266 (S/AC.26/Dec.266(2009)), whereby it was decided that a withholding of an additional 10 per cent will be applied to the five projects valued at greater than $50 million that are subject to a phasing plan requirement, and wherein those participating Governments with such projects are directed to establish special accounts within their Central Banks or similar Government institutions from which to administer the remaining "phased project" funds. Finally, recalling paragraph 6 of decision 258, which provides that prior to the disestablishment of the Governing Council, the Council will consider further arrangements with regard to its review functions in respect of the Follow-up Programme, the Governing Council held a preliminary discussion on this issue and directed the secretariat to continue its investigations and to convene a group of experts to prepare an options paper for consideration by the Council at its next session.

The Council also considered the issue of the appointment of Rolf Knutsson as the Special Representative to the Compensation Commission. The Council noted that, although a response was provided by the Office of the Secretary-General to the letter dated 10 November 2008 from the President of the Governing Council, the mandate and associated budgetary implications remain unclear. In that regard, the

Council has requested further clarification on all aspects of this issue from his Office.

The Council was informed by the secretariat that a payment was made on 29 April 2009 to 10 successful claimants pursuant to decision 256 and that there are now 10 approved claims in favour of Kuwait (in the corporate and government claims categories), with a total outstanding balance of approximately $25.2 billion, which have not been paid in full. The overall amount of compensation made available to date by the United Nations Compensation Commission is approximately $27.2 billion.

The Council decided to hold its next regular session on 10 and 11 November 2009.

(*Signed*) Christian **Strohal**
President of the Governing Council

United Nations S/2009/227

Security Council

Distr.: General
5 May 2009

Original: English

Identical letters dated 4 May 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith identical letters, addressed to the Secretary-General and the President of the Security Council, conveying the position of the Syrian Arab Republic in respect of the semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (see annex).

I would highly appreciate it if the present letter and its annex were circulated as an official document of the Security Council before the date of discussion of the report by the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the identical letters dated 4 May 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

1. The Syrian Arab Republic is surprised to see its name included in the semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004), even after it had met all the obligations incumbent on it under the resolution by withdrawing its military forces, and intelligence apparatus from Lebanese territory. The Secretary-General was informed of that action by letter dated 26 April 2005 from the Minister for Foreign Affairs of the Syrian Arab Republic. That letter was mentioned in the first semi-annual report of the Secretary-General to the Security Council on the implementation of resolution 1559 (2004) (S/2005/272). A statement issued by the President of the Security Council confirmed that the Syrian Arab Republic had withdrawn all of its forces and intelligence apparatus from Lebanon.

2. The Syrian Arab Republic has supported all actions aimed at strengthening and maintaining Lebanon's sovereignty and territorial integrity. For this reason, it supported the sessions of the Lebanese National Dialogue, held in Doha, which culminated in the signature of the Doha Agreement by the Lebanese parties and the League of Arab States on 21 May 2008. Any outstanding provisions of the resolution are a Lebanese matter, and it is for the Lebanese themselves to implement those provisions on the basis of the agreements reached in the sessions of their National Dialogue.

3. In that context, the Syrian Arab Republic hails the recent positive developments in Lebanon arising from the Doha Agreement and reiterates its support for any agreement that its Lebanese brothers reach through their National Dialogue to strengthen Lebanese national unity.

4. The Syrian Arab Republic is surprised that the Special Envoy of the Secretary-General should interfere in a bilateral matter. The establishment of diplomatic relations between the Syrian Arab Republic and Lebanon is a bilateral matter that should be decided by the Governments of the States concerned. In that connection, we should like to reiterate what was stated in the identical letters from the Government of the Syrian Arab Republic addressed to the Secretary-General and the President of the Security Council, issued as document S/2008/680 on 31 October 2008. We should also like to stress once again that the decision of the Syrian Arab Republic to establish diplomatic relations with and open an embassy in Lebanon is a sovereign matter and is based upon the Syrian leadership's recognition of Lebanon's independence and sovereignty.

5. The Damascus summit meeting between President Bashar Al-Assad of the Syrian Arab Republic and President Michel Sleiman of the Lebanese Republic, held on 13 and 14 August 2008, gave positive impetus to bilateral relations between the countries and put them on the right track. During the summit, it was agreed that diplomatic relations would be established between the two countries and that embassies would be opened; borders would be demarcated and defined; and the problem of missing Lebanese and Syrian persons would be addressed.

6. In respect of control of the common border, the Syrian Arab Republic has taken the necessary measures to secure that border, within the means available to it. In accordance with an agreement reached by the Presidents of the two countries, the Syrian Arab Republic has deployed 800 troops along its northern border with Lebanon with a view to controlling the borders, preventing smuggling and sabotage and maintaining the security of the Syrian Arab Republic and Lebanon through joint coordination between the competent authorities of the two countries. In his most recent briefing to the Security Council on 20 April 2009, Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, confirmed that the Syrian Arab Republic had deployed troops along the border between the two countries in order to prevent the persons complicit in the killing of four Lebanese soldiers and the wounding of another from fleeing across the border. We believe that it would only be logical for the Secretary-General to commend the efforts of the Syrian Arab Republic to control the border and assist the military and security authorities of Lebanon. It would also be logical that he should be concerned by the discovery by the Lebanese security authorities of three Israeli spy networks in Lebanon, which have carried out several assassinations and military operations inside Lebanese territory, according to preliminary investigations.

7. The report asserts that certain Palestinian organizations maintain significant quasi-military installations, both inside and outside the Palestinian camps, and urges the Government of the Syrian Arab Republic to ensure that those groups abide by the decisions of the Government of Lebanon and respect Lebanese law. In that connection, we should like to reiterate that this is a Palestinian-Lebanese matter; the Syrian Arab Republic will not interfere in such matters unless requested by the competent Lebanese authorities.

8. The report's assertions regarding arms smuggling and the flow of fighters from the Syrian Arab Republic into Lebanon is groundless and of no significance, particularly since those assertions contradict the statements of senior Lebanese officials who have denied that such activities have taken place. They also contradict the latest report of the Lebanon Independent Border Assessment Team, which confirmed that there were no flows of arms or fighters across the border.

9. The Government of the Syrian Arab Republic once again denies and rejects those assertions. The aim of circulating such claims is to distract attention from Israel's daily violations of Lebanese airspace and territorial waters and infiltration of Lebanese territory.

10. We should like to point out that the ninth semi-annual report of the Secretary-General and the preceding reports address Israeli violations of Lebanese airspace, waters and territory, which now number in the hundreds, reluctantly or obliquely. Unfortunately, the reports do not address those continuing and repeated violations with the seriousness required to compel Israel to desist from committing them or repeating them. In the latest report, the Secretary-General and his Special Envoy are content to deplore the violation of Lebanese airspace by Israeli warplanes and call on Israel to halt its overflights.

11. The United Nations is called upon to take effective measures on the ground that would compel Israel to cease its attacks and threats against the sovereignty of Lebanon and its territorial integrity; end its violation of relevant Security Council resolutions, including resolution 1559 (2004); and oblige it to end its occupation of Lebanese territory, including the Shab'a Farms and the northern part of the village

of Ghajar. Israel should also be made to hand over all information and maps related to the location of landmines and areas on which clusters bombs were dropped during its aggression against Lebanon in July 2006, both of which continue to threaten various regions of Lebanon and innocent lives. By so doing, the Secretary-General and his Special Envoy would complete the implementation of resolution 1559 (2004).

12. The resolutions issued by the Council of the League of Arab States, meeting at the summit level in Doha in March 2009, emphasized the importance of providing full political and economic support for Lebanon in order to preserve Lebanese national unity and maintain the security and stability of Lebanon and its sovereignty over its entire territory. In keeping with its political principles, the Syrian Arab Republic has repeatedly emphasized, in both words and deeds, its commitment to preserving the sovereignty, independence and territorial integrity of Lebanon. We hope that other parties, which the reports of the Special Envoy have deliberately ignored, end their interference in Lebanese affairs since it is that interference which threatens Lebanese national interests and the stability and sovereignty of Lebanon.

13. The progress made in Syrian-Lebanese relations stems from the two countries' belief in the need to establish good relations between them, thereby serving their interests and furthering their causes. The other parties are requested not to interfere in the course or development of those relations because to do so would detract from what has been accomplished.

14. The Syrian Arab Republic would like to re-emphasize that, in the latest report of the Secretary-General, the Secretariat once again is mixing elements of Security Council resolutions 1559 (2004), 1680 (2006) and 1701 (2006). Such mixing goes beyond the mandates of the Special Envoy and is unjustified. It also provides Israel with a pretext for not abiding by the provisions of resolution 1559 (2004) and other resolutions that concern it. In that context, the Syrian Arab Republic emphasizes that the evocation of its name in relation to unacceptable interpretations proves what we have so assiduously attempted to bring to the attention of all, namely, that the international officials responsible for the implementation of resolution 1559 (2004) have demonstrated a lack of neutrality and have overstepped their mandates.

United Nations A/ES-10/454–S/2009/228

General Assembly
Security Council

Distr.: General
30 April 2009

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 30 April 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As the peace process remains suspended, the situation in the Occupied Palestinian Territory continues to deteriorate, with mounting hardship and suffering for the Palestinian civilian population as a result of the oppressive, illegal policies and practices of Israel, the occupying Power. This has included Israel's acceleration of illegal and provocative colonization measures aimed solely at creating even more facts on the ground, at intensifying pressure on the Palestinian population, leading in many cases to the forced displacement of inhabitants for sheer survival, and at solidifying its control over the Palestinian Territory. Such illegal Israeli practices have been especially concentrated in key areas in and around Occupied East Jerusalem.

Since the Annapolis Conference of November 2007, Israel's illegal settlement activities have markedly escalated, making the past 17 months the worst recorded in terms of the occupying Power's flagrant and systematic violation of the relevant provisions of international law, particularly the Fourth Geneva Convention, and relevant United Nations resolutions on this critical matter. Egregious violations continue apace as the new Israeli Government has publicly declared its support for and is actively pursuing advancement of settlement activities in the Occupied Palestinian Territory. In this connection, the occupying Power continues to pursue measures such as the so-called "E-1 plan" involving massive settlement construction and expansion and home demolitions — with at least 1,100 demolition orders served against Palestinian-owned buildings in Occupied East Jerusalem since the beginning of this year — clearly aimed at de-populating East Jerusalem of its indigenous Palestinian inhabitants while at the same time promoting the Judaization of the City.

Most recently, on 26 April 2009, the occupying Power approved the illegal confiscation of 12,000 dunums of Palestinian land to facilitate the construction of 6,000 new housing units in the illegal Israeli settlement of "Maale Adumim".

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Already comprising at least 1 per cent of West Bank land, "Maale Adumim" constitutes the second largest Israeli settlement and creates a "belt" around East Jerusalem, severing it from its natural Palestinian environs. This latest land confiscation is part of the "E-1 plan", which aims at entrenching and finalizing the eastern front of Israel's settlement in and around East Jerusalem and the complete isolation of the city from the rest of the West Bank.

As we have repeatedly done in the past, we once again vociferously caution against the real dangers that the continued pursuit of this unlawful plan poses for the two-State solution for peace. This plan is currently at the core of Israel's illegal colonization campaign, involving, inter alia, the settlements, the Wall, the bypass roads, home demolitions and numerous other measures, which has deliberately and illegally sought to alter the demographic composition, character and status of the Palestinian Territory, particularly East Jerusalem, has seriously undermined the Territory's contiguity, integrity, unity and viability, and represents a grave threat to realization of the two-State solution.

Alarmingly, it is not only this plan that Israel, the occupying Power, continues to recklessly pursue. Countless other illegal settlement activities and measures also continue to be carried out throughout the Occupied Palestinian Territory, which are destroying the land, heightening tensions, instability and frustrations, destroying Palestinian socio-economic life, and gravely jeopardizing the prospects for peace. Announcements about settlement expansion and the construction of hundreds upon hundreds of new units as well as more land confiscations are regularly declared under various pretexts and guises in blatant defiance of international law, United Nations resolutions and Israel's own obligations under the Road Map and other commitments made.

Settler lawlessness has also escalated, facilitated and fomented by the occupying Power, which is responsible for the presence and arming of the settlers and allows their repeated and escalating acts of terror, destruction and intimidation against the Palestinian people to go unpunished. Indeed, the new Israeli Government's openly hostile policies towards Palestinian rights, property and aspirations have only further emboldened the hostility and fanaticism of the settler population towards the Palestinian people. The most recent such incident, on 27 April 2009, involved the shooting and serious injury of 18-year-old Mohammad Naim Faraj by armed Israeli settlers from the illegal settlement of "Yitzhar" near Nablus as Israeli soldiers looked on.

Israel's continuation of such illegal policies and practices, in addition to its continuing illegal and inhumane blockade of the Gaza Strip and the immeasurable suffering and trauma it is inflicting on the 1.5 million civilians imprisoned there, constitutes yet further irrefutable evidence of the occupying Power's abject disregard for international law, including humanitarian and human rights law, as well as its rejection of the legitimate, inalienable and internationally recognized rights of the Palestinian people to self-determination and freedom in their homeland. Such destructive policies and practices are also in direct violation of Israel's clear legal obligations as an occupying Power as well as under relevant Security Council resolutions.

The current situation is untenable and tensions continue to rise. If left unchecked, such illegal Israeli actions will deal a severe, if not fatal, blow to the prospects for peace on the basis of the two-State solution and will further destabilize

the region as they challenge the morals and principles of the international community as a whole, not just the Palestinian nation. The Palestinian people and their leadership thus continue to look to the international community, including the Security Council, to uphold their responsibilities and obligations in this regard and to take urgent action to bring an end to this unlawful situation, ultimately aimed at bringing an end to this belligerent, nearly 42-year military occupation and allowing the independent State of Palestine, with East Jerusalem as its capital, to take its rightful place and live in peace and security among the community of nations.

The present letter is in follow-up to our previous 338 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 16 April 2009 (A/ES-10/453-S/2009/209), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Feda **Abdelhady-Nasser**
Chargé d'affaires a.i.